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THE LONDON MUSEUM OF POLITICS, MISCELLANIES, AND LITERATURE.

" Here ORDER in VARIETY we ſee,
" And here tho' all things *differ*, all *agree*.

POPE.

LONDON:

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ADVERTISEMENT.

THE authors of the London Muſeum, having obſerved, that the generality of periodical publications are rather calculated to gratify our caprice than to correct our taſte, enlarge our underſtandings or improve our morals, reſolve to furniſh the public with a MONTHLY MISCELLANY of a much more intereſting nature; one that will ſtand the teſt of *reference*, as well as *preſent reading*; amuſe from being temporary, yet inſtruct from being uſeful. On this general plan they propoſe the London Muſeum; and, from the connection and approved merit of the conductors, flatter themſelves of being able to produce ſuch IMPORTANT PAPERS on a variety of ſubjects, as may equally engage the *Patriot*, *Philoſopher*, and *Virtuoſo*.

The plan of this work, without being nominally arranged under any diſtinct heads, will be generally found to conſiſt of POLITICS, MISCELLANIES, and LITERATURE. To the *firſt* will occaſionally be added, Eſſays on Commerce, and an Hiſtory of the Times; Subjects naturally connected with, and cloſely allied to each other; and in this we ſhall ſometimes rather apply ourſelves to what is called the Police, than to Politics, as the grand, main ſpring of government has been ſo much attended to of late, that the under wheels have been neglected, and are ſcarce ſeen to move. Nor ſhall this part be confined to original eſſays and letters upon theſe matters; Extracts carefully and judiciouſly made from

from other publications, ſhall be ſubjoined, in which nothing but the eſſential, and argumentative parts ſhall have a place, relating immediately to the queſtion, and theſe ſhall be ſtated clearly and impartially, without regard to perſons, party, or power.

The deſign of the *ſecond* or *miſcellaneous part*, is ſtill more extenſive. It will be compoſed of whatever comes under the predicaments of ſcience, belles lettres, and the fine arts; the ſtriking paſſages of other publications; tranſlations from Italian, French, or German writers; together with every thing original we ca procure. In ſhort, whatever, either by rarity, ingenuity, or any other denomination of merit, is likely to bring entertainment or inſtruction, ſhall be received. If our correſpondents of this claſs, ſhould favour us by ſubſcribing their names to any piece they ſhall be pleaſed to ſend, or at leaſt permit them to appear in the Index of each volume, we ſhould hold ourſelves ſtill more obliged to them: no inconvenience can, we apprehend, ariſe from this, becauſe ſubjects of criticiſm, either upon ſcience or poetry, are generally treated by men of liberal ſentiment, who diſcuſs with temper, and never diſagree with aſperity.

The *third* and *laſt part*, will conſiſt of a conſtant and accurate Regiſter of all new publications; the utility of which is obvious.

THE LONDON MUSEUM,

For JANUARY 1770.

To the EDITOR *of the* LONDON MUSEUM.

THE following is an AUTHENTIC SPEECH made in the *laſt Parliament*, by a worthy gentleman, for whom I have a very particular eſteem. I ſend it you for the firſt number of your work; inſiſting, however, that you make this acknowledgment, "*That it is publiſhed in your book without the knowledge of the honourable gentleman who made it.*"

Your friend, A. B.

ON Friday the 15th of May, 1767, Mr. Fuller having reported from the committee of the whole Houſe, to whom it was referred, to conſider of the ſeveral papers which had been preſented to the Houſe in that ſeſſion of parliament, relating to the North American colonies—ſeveral reſolutions, importing, That it appeared to the committee, that the Houſe of Repreſentatives of his Majeſty's province of New-York, have, in direct diſobedience of the authority of the legiſlature of Great Britain, refuſed to make proviſion for ſupplying with neceſſaries his Majeſty's troops, in ſuch manner as is required by an act of parliament, made in the 5th year of his Majeſty's reign, intituled, 'An Act to amend and render more effectual, in 'his Majeſty's dominions in America, an Act paſſed in this 'preſent ſeſſions of parliament, intituled, An Act for puniſhing 'mutiny and deſertion, and for the better payment of the army 'and their quarters.'

Alſo that it appeared to the committee, that an act of Aſſembly hath been paſſed in ſaid province, for furniſhing the barracks in the cities of New-York and Albany, with fire-wood and candles, and other neceſſaries therein mentioned, for his Majeſty's forces, inconſiſtent with the proviſions, and in oppoſition to the directions of the ſaid act of parliament.

Alſo, that it is the opinion of the committee, that until proviſion ſhall have been made by the ſaid Aſſembly, for furniſhing the King's troops, with all the neceſſaries required by the ſaid act of parliament, the governor, council, and aſſembly, be reſpectively reſtrained and prohibited from paſſing or aſſenting to any act of Aſſembly, for any other purpoſe whatever;—and in conſequence of theſe reſolutions, a motion being made, that a bill be brought in upon the laſt of the ſaid reſolutions, Governor Pownall ſpoke as follows:

Mr. SPEAKER,

HAVING borne ſo great a ſhare in the ſervice in North America, I hope it will not be thought improper, that I take ſome ſhare in the preſent debate. When matters are brought under conſideration, the facts and circumſtances of which cannot be ſuppoſed to be fully known to this Houſe, it becomes the duty of thoſe whoſe ſervice and ſtation has rendered them duly cognizant of ſuch circumſtances and facts, to bear their teſtimony of the ſtate of things, and to give their opinion of the ſtate of the buſineſs alſo.—However clear and diſtinctly theſe matters may lie in my own mind, in the ſtrongeſt form of conviction, yet, being unaccuſtomed to ſpeak in public, I am afraid I ſhall be unable ſo to diſpoſe and explain them, as to exhibit that ſame diſtinctneſs, and to convey that ſame conviction to others. This being the firſt time I have preſumed to ſpeak in this Houſe, I feel that kind of awe in the preſence of it, which every one muſt feel, who compares the little importance of his own ſentiments, with the experience, the knowledge, and the wiſdom of ſo great an aſſembly;—ſo that, inſtead of finding myſelf maſter of my own ſentiments and opinion, I feel as if I had ariſen only to experience my own inſufficiency. But the indulgence of the Houſe gives me encouragement, that they are willing to hear and receive what I can ſay on this ſubject. And indeed, it is not only from the ſitu-

ſituation in general in which I ſtood, and the relation which I have borne to the buſineſs of America, which ſeems to render it proper that I ſhould not give a ſilent vote upon this occaſion---but the particular manner in which I have been concerned in this particular buſineſs, does ſpecially call upon me to give my opinion on the matter now under debate.

As the preſent meaſure, now under conſideration, is the propoſal of a bill for enforcing an act of parliament, directing and regulating the quartering his Majeſty's troops in North America, this matter will be beſt explained, by a plain narrative of the riſe of that act, and by comparing it with the circumſtances and nature of the ſervice, which it was meant to provide for; and alſo by comparing it with that province law, which it took (tho' miſtook) for its model, on this occaſion.

It may be remembered, that the Commander in Chief of the King's forces in North America, applied to government to furniſh him with ſufficient powers, whereby he might quarter the King's troops; and ideas of the neceſſity of quartering in private houſes were ſuggeſted by ſome. A bill was formed on theſe ideas, and brought into this Houſe.

A meaſure ſo exceptionable and ſo alarming, muſt neceſſarily meet with oppoſition in this Houſe.—There was an oppoſition made to it.—This oppoſition gave occaſion to the miniſter of that day to recollect himſelf.

I had heard accidentally of the ſtate of this buſineſs, and thinking (as I did) the meaſure dangerous, and knowing that it was not neceſſary, I took the liberty to give this my opinion of it to that miniſter, and ſuggeſted a meaſure by which this buſineſs might have been done, and by which every thing, ſo contrary and diſcordant to the conſtitution, might be avoided. I acquainted him, that there had paſſed, in the province of the Maſſachuſet's-bay, whilſt I was Governor there, 'An Act 'for providing quarters for the King's troops,'—which, as it was adapted to the nature of the country, and to the circumſtances of the people, ſo it was univerſally ſubmitted to, and (during the war) conſtantly carried into execution. That, as I had been the author of this meaſure, and knew the effect of it, I was certain, that if that province law (adapted to the ſtated circumſtances of the colonies in general) was made a clauſe in the act of parliament, allowing to the ſeveral provin-

ces and colonies a proper latitude in the execution of it, it would anſwer every purpoſe required, could meet with no objection here, and would meet with no oppoſition in the colonies.

I was deſired to explain this meaſure to a certain office; but I am afraid I was ſo unhappy in the effect of my explanation, as to be totally miſapprehended; becauſe I ſee, that the act of parliament, which the propoſed bill means to enforce, by its errors and defects, has miſtaken and perverted every means of carrying the meaſure into execution; and has, from the tenor of it, been the natural occaſion of all the confuſion and miſconduct which government now complains of.

The province law had in it every proviſion neceſſary for the carrying it into execution, and was accordingly conſtantly and invariably executed.

The act of parliament has neither any effectual clauſe to enforce its execution, nor makes any ſufficient proviſion for the expence incurred by the perſon who ſhall carry it into execution. It neither conſiders the various circumſtances of the ſervice in that country, as they ariſe and preſent themſelves variouſly in various parts thereof; nor, as they muſt be perpetually changing, from time, in the ſame parts; but directs particular modes, and eſtabliſhes regulations to particular and ſpecial points, which muſt neceſſarily be incompatible with the nature of the country, and circumſtances of the people in many parts, and on many occaſions. It endeavours to lay down general rules, which can never be applied to numberleſs particular caſes that muſt ariſe; and, under this ſpirit of impracticability, it allows no latitude in the execution thereof. And therefore, if there were full and effectual powers to enforce it, ſuch powers could not produce an execution of this law, nor could produce any thing but confuſion, ſo far as reſpects the law, and an arbitrary quartering of the troops contrary to law; of which, if you have not already had inſtances, you moſt certainly will have, whenever this law is attempted to be carried into execution.

If you are determined to enforce this law, you ought, at leaſt, to make it practicable. 1. Where the act directs, that the troops ſhall be quartered in barracks, provided for that purpoſe, you ſhould, at leaſt, direct the manner of that quartering,

tering, ſo that the barracks might anſwer the purpoſe thereof; and not firſt put the people under a kind of compact and agreement to the expence of building barracks; and then, after ſuch are built, leave it in the power of the commanding officer of your troops, to judge, or to ſay, that theſe barracks do not anſwer the purpoſe of quartering: and under that deciſion, to demand quarters, either upon the inns or upon hired houſes, even before any troops are quartered in ſuch barracks as have been provided for them. 2. Where the act would mean to direct the quartering of the troops in inns, alehouſes, &c. you ſhould, at leaſt, recollect the peculiar circumſtances of thoſe inns and alehouſes in that country, and whether they can anſwer the demands which the act makes upon them.

You ſhould conſider, whether the officers which you direct to execute that buſineſs, can be required to do what is not practicable; and whether your act has provided any means adequate to the inforcing them to do, what they know is incompatible with the nature and circumſtances of the country to perform. 3. Where the act directs that uninhabited houſes, out-houſes, &c. ſhall be hired for the accommodation and reception of the reſidue of the troops, and provided with thoſe ſpecial and particular articles, which the ſaid act directs; you ſhould, at leaſt, conſider, whether there be any ſuch uninhabited houſes, and unoccupied out-houſes; and whether your act contains any thing that ſhall oblige the people to lett them; or whether, when they are ſo hired, they will ſuit the purpoſe to which they are intended; or whether the circumſtances of the people and country, where this ſervice may be required to be performed, can ſupply thoſe particular and ſpecial articles which you require of them.

When the act requires a ſervice, which (ſuppoſing it capable of being executed) engages the perſon who executes it in an expence, if you mean to enforce that act, you ought to provide effectually for his reimburſement: and in this inſtance, the act which you now propoſe to inforce, is, in every point of conſideration, abſurd and impracticable; as it neither provides itſelf for that reimburſement, nor puts the matter in any way of execution, that either can or will provide for it; but, on the contrary, entangles this buſineſs in a matter of

controverſy,

controverſy, which would of itſelf, if nothing elſe did, obſtruct and ſtop it.

The act of parliament for quartering his Majeſty's troops in North-America, directs, that the expence incurred by that meaſure, ſhall be provided for by each reſpective colony, and raiſed in like manner, as the uſual expences incurred by the province or colony are raiſed, that is, by an act of Aſſembly. This was an original error, which did prevent, and muſt for ever prevent, this act from being carried into actual execution as an act of parliament.

If it be prudent and adviſeable, that parliament ſhould charge any expence upon the colonies, by way of tax, originated in this Houſe; how ſhall it direct that charge to be levied and payed?—Shall parliament *direct the Aſſembly* of any province or colony, to make proviſion and ſupply for it? Or ſhall parliament, directly and avowedly, impoſing that ſum upon the province or colony as a tax, ſettle the ways and means of levying it, and appoint executive officers to collect it? Or ſhall it direct the uſual executive officer of the colony to levy and collect that tax ſo impoſed?——If the impoſing by a direct tax be the proper political mode, the latter ſtep is all regular, and but conſequential of it—is conformable to law.——The people having no ſhare *in the will*, or in the *authority*, muſt ſubmit to the *power* of the act, and have no duty left, but ſubmiſſion and implicit obedience.

If parliament, the ſupreme legiſlature, ſhall order and impoſe a tax on a body of people, and ſhall order the legiſlative part of that body to provide for the payment of it, and to ſee it payed, it muſt conſider the members of that aſſembly merely as commiſſioners of taxes, appointed in ſuch caſe to receive and regiſter the act, to apportion and aſſeſs the tax. Yet ſurely this courſe is ſomewhat eccentric to the ſyſtem of our happy conſtitution; it approaches, I am afraid, too near to the courſe taken by the arbitrary and deſpotic ſpirit of a neighbouring government, with the parliaments of its ſeveral provinces. This publiſhing the ordinance—this ordering a deliberative body to take it up as an act of its own will, and, as ſuch, to regiſter and carry it into execution, verges ſurely too near to that point which unites legiſlation and execution in the ſame

body,

body, to the utter deſtruction of political liberty. But I hope, and am willing to perſuade myſelf, that I miſtake this matter. It is impoſſible that, by any conſtruction, this can be ſuppoſed to be meant; yet there is an uſe in that ſuſpicion, which takes even a falſe alarm, as ſuch alarm, when proved to be falſe, may lead to the conviction of truth.

If, on the other hand, we conſider each of the aſſemblies of the provinces and colonies as what it is, as a legiſlative, deliberative body, as the will of that province or colony; it muſt have a right to deliberate, it muſt have a right to decide; if it has the free will to ſay *aye*, it muſt have the ſame power of will to ſay *no*. You may properly order an executive power to execute, but how, and with what propriety, can you order this deliberative body to *exert its will only in one preſcribed direction*. If any ſupreme and ſovereign will ſhall preordain what this inferior power of deliberation *ſhall will*, it will make the ſame confuſion in practice, which the divines and metaphyſicians have made in theory, between predeſtination and free-will abſolute.—If you mean to try this experiment of reducing theſe abſurdities and inconſiſtences to practice; if this bill muſt paſs, and you have not yet predetermined on the title of it, it ſeems to me the bill may juſtly be intituled, *an act to render more effectual predeſtination over free-will.* For as your meaſure now ſtands, if the aſſemblies of the provinces and colonies will not in every mode, article, and particular proviſion, decide *in their deliberative capacity*, as an act of parliament directs and preordains, you conſider the colonies as denying the ſovereignty of Great Britain, than which nothing can be more unjuſt, unleſs it were poſſible to find any thing more abſurd.

Are you determined from hence to direct and regulate the quartering of the King's troops in North America?—do it in a way that brings it home to the executive power there, to carry your directions and regulations into execution; explain and amend your act; make it practicable; make it effective; and then you may fairly decide whether they deny your ſovereignty or not. You will find they do not. If you think your way of making an adequate and certain proviſion for the charge of this ſervice, is by the parliament's impoſing a tax upon the people for that purpoſe; and that you have power, and it is adviſeable to exert that power, to effectuate

ſuch

ſuch ſupply, by ſuch tax, you need not heſitate to avow it openly and directly; for the people of the colonies, from one end of the continent to the other, do invariably conſider the clauſe in the act of parliament, directing how that charge ſhall be ſupplied, as an internal tax impoſed upon them.—It is from this idea, that every act of obedience, as well as of diſobedience to your act of parliament, muſt be conſtrued and explained. Thoſe whom you are willing to underſtand as having obeyed your act, have contrived to do it *in a mode* which neither recognizes the act of parliament, nor ſubmits to the taxation—as ſuch. And although you repreſent the aſſembly of the province of New-York *alone*, as having revolted againſt this power—believe me, there is not a province, a colony, or a plantation, that will ſubmit to a tax thus impoſed, more than New-York will. All have ſhewn their readineſs to execute this ſervice of quartering as an act of their own—all have, in their zeal to provide for it, by a grant of their own, provided a ſupply to anſwer the expence;—but not one ſingle aſſembly has, or ever will, act under the powers and proviſions of this act, as acknowledging, and, in conſequence thereof, apportioning, aſſeſſing, and levying, the ſupply, as a tax impoſed by parliament. They have either acted without taking notice at all of this act of parliament, or have contrived ſome way or other to vary in ſome particulars, ſufficient to make the execution and the tax an act of their own.—Try the conduct of every province and colony through by this rule, and you will find nothing particular in the caſe of New-York.——Don't fancy that you can divide the people upon this point, and that you need only divide to govern—you will by this conduct only unite them the more inſeparably—you will make the cauſe of New-York a common cauſe—and will call up every other province and colony to ſtand forth in their juſtification—while New-York, learning from the complexion of your meaſure, how to avoid or evade the purport of your *enforcing bill*, will *ſuſpend the force* of it, inſtead of it *ſuſpending the aſſembly* of that province, againſt whom it is brought forward.

But we are told, that there is ſomething ſo peculiar in the ſpirit with which the Houſe of Repreſentatives in Boſton have oppoſed the authority of this act of parliament, extending to the

the oppugning of all authority of parliament whatſoever—that that particular caſe will demand the particular conſideration of this Houſe. We are told that they have charged the Governor and Council with unwarrantable and unconſtitutional proceedings, for acting in conſequence of an act of parliament.

This is ſo total a miſapprehenſion and miſrepreſentation of the caſe, as it doth actually ſtand, that a bare narrative of the circumſtances and proceedings on the matter, will convince Miniſtry that they need not put themſelves to the unneceſſary and diſagreeable pain of any further conſideration of it, nor give this Houſe any trouble about the affair. Some troops unexpectedly, and by accident, put into the harbour of Boſton—Some expences aroſe in conſequence of the neceſſity of providing for a temporary reception of them—The general aſſembly not having yet, from any occaſion, been called upon to make proviſion for the quartering of troops by an act of the province, and not being ſitting at this particular time, the Governor, with the advice of Council, incurred the expence. When the aſſembly met, the houſe of repreſentatives conſidering, that the act of parliament requires an act of the general court, in order to ſupply or reimburſe any expence incurred by providing quarters, and ſo forth, and that no ſuch act did as yet exiſt, and that therefore the Governor was not authorized, either *by any act of parliament*, nor as yet by an act of the province, to incur and ſupply ſuch expence, did, with a jealouſy and attention not unworthy even our imitation, object to the involving the treaſury in any ſuch charge, except what they authorized by their juſt power of appropriation. The Governor, with great prudence, founded in a knowledge and acknowledgment of the conſtitutional mode of proceeding, imputed the charge incurred to the neceſſity of the unforeſeen occurrence, and apologized for his proceeding, as conſonant to the uſual practice in the like caſes.——Although ſome of that ill-temper, which always mixes in with buſineſs when people are not well together, did mix in with this, yet here it ended; and from this plain narrative, I dare ſay, this Houſe will never be troubled with any thing more about it. But to return:

This clauſe in the quartering act, directing that the ſupply for reimburſing the expence of quartering the troops, *ſhall be*

raiſed by the reſpective aſſemblies of the provinces or colonies—which is, by all the people of America, conſidered as (and is indeed) a tax impoſed by parliament, has brought, in fact, into diſcuſſion, that queſtion of the right of taxation, which the cautious and (what I think) imprudent wiſdom of many have endeavoured to keep wrapped up and ſuſpended in theory.—What ſchemes of policy wiſhed to hold in queſtion—acts and deeds will bring into deciſion. You have, on one hand, by your declaratory law, aſſerted your right and power of taxation over the colonies, and ſo far as this act goes, you have exerted that power. On the other hand, it is a fact which this Houſe ought to be apprized of, in all its extent, That the people of America, univerſally, unitedly, and unalterably, are reſolved not to ſubmit to any internal tax impoſed upon them by any legiſlature, in which they have not a ſhare by repreſentatives of their own election.

This claim muſt not be underſtood, as though it were only the pretences of party-leaders and demagogues; as though it were only the viſions of ſpeculative enthuſiaſts; as though it were the mere ebullition of a faction which muſt ſubſide; as though it were only temporary or partial—it is the cool, deliberate, principled maxim of every man of buſineſs in the country.

They ſay, that while we conſider the nation, the realm, the government of Great-Britain, collectively taken, *as the ſovereign*, and the colonies *as the ſubject*, without participation In the deliberation, or the will, bound *implicitly to obey* the orders of this ſovereign, and implicitly to enact, regiſter, and carry into execution *thoſe grants*, which we by our *acts* have made of their property—they ſay, that this ſovereign (however free within itſelf) is an abſolute ſovereign, an arbitrary lord, and that their obedience and ſubjection, without the interpoſition of their own free will, is (as to the ſubject ſo ſtated) abſolute ſlavery.—We have by act of parliament declared our right, and thus their apprehenſions feel the effect of it.

They ſay, that ſupplies are *of good will*, and *not of duty*; are the *free and voluntary act of the giver*, having *a right to give*, not obligations and ſervices to be complied with, which the ſubject cannot in right refuſe—they therefore maintain, claim, and inſiſt upon, that whatever is given out of the lands or property

property of the people of the colonies, ſhould be given and granted *by their own act.*

They ſay that the true ground of juſtice, whereon the Houſe of Commons grants ſupplies, and may lay taxes on the lands of themſelves and their conſtituents, is, that they give what is their own, or that of others, for whom they are ſpecially impowered to conſent; that they lay no taxes which do not affect themſelves and their conſtituents; that therefore, they are not only the *proper givers*, but alſo the *beſt and ſafeſt judges*, as to the extent and the mode of the gift. But that where any legiſlature ſhall give and grant out of lands and property, in which they have no ſhare or concern; where they have no tax impoſed upon others to ſupply that gift in eaſe of themſelves and their conſtituents, the caſe labours with every effect, if not with every circumſtance of injuſtice.

Thus this queſtion is brought in iſſue, and muſt be decided; however much the policy of miniſtry may wiſh and labour to wave it, caſes which conſtantly ariſe muſt bring it into diſcuſſion, and neceſſity will force it into deciſion.

Is it the intent of government to exert the power that it hath declared to be its right—is it determined to put this matter in conteſt—to put in conteſt the intereſt, the peace, and perhaps the being of this country—with the certain effect of ruin to our commercial intereſt—and to our colonies, as commercial accretions of the ſtate?——Certainly no.

Does miniſtry mean to propoſe the meaſure of impoſing taxes on the colonies, and to force into execution the collection of them?——The whole ſyſtem of the ſtate, government, and interwoven intereſt of the colonies, is gone too far for that to be practicable.

Does it mean to unite this by any *mode of policy*, ſyſtem, which is *in fact* interwoven and incorporated into the very being of the Britiſh empire?—I am afraid not. Matters are not yet gone far enough to point out the practicability and neceſſity of ſuch political union.

What then remains, but that we muſt return again, and reeſtabliſh the ſyſtem of our politicks on that baſis whereon they ſtood, before ſome late innovations in our ſyſtem ſhook that baſis?—What remains, but that we act, as to external

taxes, with that commercial ſpirit and prudence, which the wiſdom of parliament hath always exerciſed towards the colonies, ſince their firſt eſtabliſhment: and that as to further ſupplies, when they become neceſſary, the colonies are properly applied to by requiſitions in the old accuſtomed, known mode, which hath always ſucceeded and been found effectual.

As this is my opinion on this queſtion in general, ſo on the particular matter of this debate on the propoſed bill, I will cloſe what I wiſh to offer in recommending it to the Houſe, either ſo to amend and explain its act, as that both the mode of quartering, and the act of making the ſupply for the expence of it, may originate with the people of the colonies, and be an act of their own aſſemblies—in which caſe, this enforcing bill will become unneceſſary—or let it be conſidered as a ſervice which the crown requires of them, and for which, without the interpoſition of parliament, it makes the proper requiſitions.

This will reſtore peace, this will effect the buſineſs. The contrary meaſure of this enforcing bill will be the beginning of a ſeries of miſchiefs, and therefore I ſhall be againſt the bringing it in.

This ſpeech was followed by one from Sir Thomas Sewell, who was anſwered by the late Right Hon. Charles Townſhend; after whom ſpoke, in anſwer to what Governor Pownall had ſaid, Mr. Secretary Conway, Sir Gilbert Elliot, the Right Hon. Hans Stanley. The Right Hon. George Grenville aroſe on the ſame account, alſo the Right Hon. Wellbore Ellis, who were anſwered by Mr. Alderman Beckford.

[*The Speech of a Right Honourable Gentleman on American Affairs, in our next.*]

The

☞ The following authentic Liſt of Penſioners on the Iriſh Eſtabliſhment, having been a few weeks ſince laid before the Houſe of Commons of Ireland, we have procured an accurate copy for the information of our friends in England.

A Liſt of Penſions now in being on the Civil Eſtabliſhment, granted for lives and years, and how many, and thoſe which were granted during pleaſure, with the times of their commencement, returned to the Honourable Houſe of Commons, purſuant to their order of Veneris, 3d Novembris, 1769.

Penſions and Penſ. Names.	Ann. Penſ.	Dates of King's Leters, and Letters Patent.	Term.
CAtherine Talbot	50	Dec. 17, 1706.	Pleaſure
Lady Kilmanſeg	750	April 15, 1719.	Life
The ſame as Viſcounteſs Dowager Howe an Addition	500	March 24, 1752.	Pleaſure
Counteſs of Roſcommon	100	April 29, 1723.	do.
Addition	150	Oct. 1, 1746.	do.
Rev. Michael Sandys, under Library Keeper	30	Oct. 16, 1767.	do.
Repreſent. of Cha. Hooper and Philip Martin	200	Dec. 15, 1726.	Until 2000l. be paid at one payment.
David Mitchell, in truſt for Mary Williams, alias Weſt, daughter of Ld. Chancellor Weſt	400	Feb. 9, 1726.	Pleaſure. New Truſtees.
Manon Senry de Olivier	60	Eſtabliſhment 1727.	do. do.
Alexander, Earl of Antrim, and Arthur Trevor, Eſq; in truſt for the ſon and daughters of Wm. Fleming, Eſq; commonly called Lord Slane	300	March 31, 1731. July 15, 1761.	Pleaſure. New Truſtees.
Viſcount Strangford	200	Sep. 25, 1733.	do. do.
Oluff Muller, miniſt. of a congregation of Germ. proteſtants in Dublin	50	Dec. 20, 1739.	do. do.
Executors of Lord Harrington	2600	Oct. 30, 1740.	31 years from Midſummer, 1740.

John

Penſions and Penſ. Names.	An. Penſ.	Dates of King's Letters, and Letters Patent.	Term.
John Lewis Scoffier, firſt French miniſter of the united congregations of St. Patrick's and St. Mary's, Dublin	50	Jan. 13, 1740.	Pleaſure.
Charles Lewis de Villette ſecond miniſter	50	do.	do.
Lady Cecilia Iſab. Finch	400	May 11, 1742.	31 years from Lady day, 1742.
Earl of Meath	300	July 26, 1742.	Pleaſure.
Addition	200	April 6, 1753.	do.
Repreſentative of Wm. Lock, Eſq; aſſignee of Lord Southwell	400	July 29, 1755.	31 years from April 5, 1755.
Sarah, Viſcounteſs Dowager Doneraile	100	July 26, 1742.	Pleaſure.
Margaret, 1ſt Viſcounteſs Dowager Mayo	100	July 26, 1742.	do.
Counteſs of Brandon	100	Nov. 11, 1742.	do.
Repreſent. of Mary Louiſa baron. de Steinberg	300	Aug. 15, 1743.	31 years from Chriſtmas 1742
John, Lord Monſon, and John Arſcott, Eſq; in truſt for Anne, Lady Yonge	600	Jan. 31, 1743.	31 Years from Chriſtmas 1743
Wm. Sharman, Eſq; in truſt for Nicholas and Margaret Netterville, children of Luke Netterville, Eſq; deceaſed	100	July 18, 1744.	Pleaſure.
Repreſentat. of Sir Standiſh Hartſtonge, in truſt for the children of Price Hartſtonge, Eſq; deceaſed	100	Aug. 30, 1744.	Pleaſure.
Arthur Dawſon, Eſq; in truſt for the children of Henry Hamilton, deceaſed	100	Aug. 30, 1744.	do.
Earl of Cavan	250	July 18, 1744.	do.
Addition	150	March 26, 1746.	do.
Alexander Neſbitt, Eſq;	200	July 18, 1744.	do.
Addition	100	Feb. 21, 1748.	do.

Louiſe

Penſions and Penſ. Names.	Ann. Penſ.	Dates of King's Letters, and Letters Patent.	Term.
Louiſe de Perſe	30	Jan. 27. 1745.	Pleaſure.
Michael Clancy	40	do.	do.
Marian de Bonvillette	40	do.	do.
Iſab. Towle, and Richard her ſon	30	March 26, 1746.	do.
Dublin Society	500	do.	do.
Anne Palmer, now Finch	800	July 29, 1746.	To her and Edward Finch her huſband for their lives,
Addition	200	Aug. 15, 1751.	do. do.
Right Hon. Nath. Clements, in truſt for the children of John Clements deceaſed	100	Aug. 7, 1746.	Pleaſure.
Cornet Daniel Gervais	19:5	Oct. 1, 1746.	do.
Gaſper Grevenkop	200	Nov. 7, 1746.	do.
Addition	200	Oct. 19, 1761.	do.
George Malide	36:10	April 5, 1748.	do.
Elizabeth Jephſon	30	May 12, 1748.	do.
Frederick Hamilton, Viſcount Boyne	200	Feb. 21, 1748.	do.
Peter Carnac, one of the ſons of Captain Peter Carnac	36:10	do.	do.
Iſaac Carnac, the like	36:10	do.	do.
Repreſent. of Auguſtus Schutz, Eſq;	1200	May 8, 1749.	31 years from Lady-day 1749
Dame Levina St. Leger	200	April 12 1750.	Pleaſure.
Addition	100	July 22, 1760.	do.
Bridget Gunning	150	April 12, 1750.	do.
Addition	150	Sept. 22, 1757.	do.
Jane Ponſonby	100	April 12, 1750.	do.
Addition	100	July 22, 1760.	do.
Catherine Eliz. Proby	100	April 12, 1750.	do.
Mary Gervais	54:15	do.	do.
Sarah De le Poir	36:10	do.	do.
Margaret and Charlotte De la Bouchatier, and ſurvivor	54:15	do.	do.
Chriſtian Shroder	1000	Dec. 15, 1750.	Pleaſure.
Addition	1000	May 1, 1767.	do.
Miſs Mary and Miſs Henrietta O'Brien, and ſurvivor	200	April 6, 1753.	do.

Alder-

Pensions and Pens. Names.	Ann. Pens.	Dates of King's Letters, and Letters Patent.	Term.
Alderman Hans Baillie of Dublin, in trust for the widow and children of Richard Annesley, clerk, deceased	150	April 6, 1753.	Pleasure.
Rev. Peter Chaigneau, and Henrietta Hassard, in trust for the children of the late Dav. Chaigneau, Esq;	150	Oct. 24, 1763.	New Trustees.
Wm. Molesworth, Esq;	100	April 6, 1753.	Pleasure.
Addition	100	Aug. 14, 1758.	do.
Isaac Drury, Esq;	100	April 6, 1753.	do.
Eliz. Wynne, widow of the late Lieut. Col. John Wynne	100	April 6, 1753.	do.
Represent. of Sir Arthur Newcomen, Bart. in trust for the sole and separate use of Mrs. Catherine Coote	100	do.	do.
Rt. H. Lady Ann Daly	100	do.	do.
Mrs. Bettesworth, widow of the late Serjeant Bettesworth	80	do.	do.
Mrs. Elizabeth Spittall	40	do.	do.
—Mills, daughter of — Galliardy	27:10	do.	do.
Jane Pain, and Eliz. her daughter and survivor	30	do.	do.
Francis, Lord Hawley	200	Sep. 12, 1753.	do.
John Cooper, Gent.	500	Dec. 11, 1753.	30 years from Midsummer 1753
John Roberts, Esq;	800	June 3, 1754.	Life.
Anne Roberts, daugh. of Philip & Anne Roberts	200	Nov. 21, 1754.	Pleasure.
Mary Hamilton, & Anne and Mary her daughters and survivors	150	Feb. 21, 1755.	do.
Mrs. Mary Gethin	100	do.	do.
Catherine Bayly, widow	50	do.	do.
George Hamilton, Esq;	400	do.	do.
Mrs. Elizabeth Cooper	100	do.	do.
Benjamin Victor, Gent.	50	do.	do.

Pensions and Pens. Names.	Ann. Pens.	Dates of King's Letters, and Letters Patent.	Term.
Magdal. Marianne, & Guideda de Avesslein, and survivors	18:5	Feb. 21. 1755.	Pleasure.
Margaret Therond	63:17:6	do.	do.
Dame Jane Lambard	200	May 7, 1755.	do.
Sir Tho. Robinson, Kt. of the Bath, now Ld. Grantham	2000	Oct. 29, 1755.	His life, and Tho. and Frederic, his sons and survivors.
Charles Usher, Esq; in trust for			
Harr. Molesworth	70	Jan. 15, 1756.	Life
Lou. Molesworth	70	do.	do.
Eliz. Molesworth	70	do.	do.
Represent. of the late E. of Shannon	2000	April 13, 1756.	31 years from Lady-day 1756
Mr. Tho. Bourchier	400	May 4, 1756.	Pleasure.
Mr. Ralph Gore	300	do.	do.
Mr. George Walker	100	do.	do.
Geo. Earl of Cholmondeley	1200	July 16, 1756.	do.
To him more	2500	Aug. 20, 1757.	Life.
Count. of Waldegrave	800	do.	do.
Francis E. of Hertford & John, Ld. Berkeley in trust for Mary Princess of Hesse	5000	July 6, 1758.	Her life, and Charles Fred. her sons and survivors.
Job Staunton Charlton	500	July 31, 1758.	Life.
Ferdin. D. of Brunsw. and Lunenburg	2000	Aug. 31, 1758.	do
Addition	2000	June 19, 1767.	Pleasure.
Bellingham Boyle Esq;	800	Sep. 16, 1758.	31 years from Midsum. 1758
Cath. King, alias Gore, widow, one of the daughters of the late Honor Gore,	200	Aug. 14, 1758.	Pleasure,
John Blennerhassett, of Ballyseedy in the co. of Kerry, Esq;	200	do.	do.

Penſions and Penſ. Names.	Ann. Penſ.	Dates of King's Letters, and Letters Patent.	Term.
Guy Moore, of Dub. Eſq;	200	Aug. 14, 1758.	Pleaſure.
Lucia Agar	150	do.	do.
Sir Paul Croſbie, Bart.	200	April 11, 1759.	do.
Sir Ed. Hawke, knight of the Bath, and one of the Admirals of the royal navy	2000	March 7, 1760.	His life, Martin Bladen, & Edw. his ſons and ſurvivors.
Mrs. Anne Berresford	200	July 22, 1760.	Pleaſure.
Charles Viſc. Ranelagh	300	do.	do.
Addition	100	Oct. 10, 1764.	do.
John Paterſon, Eſq;	100	July 22, 1760.	do.
Repreſentative of Amalie Soph. Mariane Count. of Yarmouth	4000	Aug. 18, 1760.	31 years from Midſum. 1760
Allen, Lord Bathurſt	2000	Jan. 8, 1761.	Life.
Wm. Chaigneau, Eſq; aſſignee of James Lord Tyrawley	500	do	31 years from Nov. 29, 1760
St. Geo. Caulfield, Eſq;	1000	March 5, 1761.	His life.
Anne Pitt	500	March 9, do.	Her life.
Addition	500	Sep. 28, 1764.	Pleaſure.
Martha, Lady Beauclerk, widow of Lord Henry Beauclerk, in truſt for her daughters	400	Eſtabliſhment 1761.	do.
Miſs Dorothy Naper	100	do.	do.
Mrs. Jane Whiting, wid.	150	do.	do.
Mr. George Cavenagh	100	do.	do.
Mr. Robert Taylor	50	do.	do.
Thomas Smith, Eſq;	100	do.	do.
Edw. Nugent, Eſq; brother to the preſent E. of Weſtmeath	200	do.	do.
Mrs. Macartney	200	do.	do.
Princeſs Amalie	1000	June 25, 1761.	31 years from May 21, 1761
Tho. Cumming, Gent.	500	Jan. 18, 1762.	31 years from Nov. 18, 1761
Robert French, Eſq;	800	Nov. 25, 1761.	Pleaſure.

John

Pensions and Pens. Names.	Ann. Pens.	Dates of King's Letters, and Letters Patent.	Term.
John Stear, Esq; assignee of Philip Francis, Esq;	600	Nov. 10, 1762.	31 years from Sep. 16, 1762
Anne O'Hara of Greenw.	300	Nov. 10, 1762.	Life.
Mrs. Em. Maria Maturin	200	April 19, 1763.	Pleasure.
Henry Shears, Esq;	200	do.	do.
Richard Sandys, Esq;	200	do.	do.
Mr. William Jephson	150	do.	do.
Mr. Matt. Pennefather	100	do.	do.
William Rochfort, Esq;	100	do.	do.
Mrs. Archer, widow of Capt. Archer	30	do.	do.
Penelope Victor	100	do.	do.
Anne Wilmot	200	do.	do.
Margaret Melvill	200	do.	do.
Robert Birch, assignee of Charles O'Hara, Esq;	200	June 11, 1763.	31 years from Ladyday 1763
William Green, Esq.	50	April 20, 8763.	Pleasure.
Sir William Yorke, Bart,	1200	May 31, do.	His life.
Melchior Guydickens	500	do.	do.
Thomas Monck, Esq; assignee of Henry Mitchell, Esq; assignee of Dudley Crosby, Esq;	150	do	31 years from Ladyday 1763
Executors of William E. of Blesington, in trust for			
Harriet Molesworth	130	May 17, 1763.	Pleasure.
Louisa Molesworth	130	do.	do.
Eliz. Molesworth	130	do.	do.
Mr. —— Hellen	100	June 15, 1763.	do.
George Charles, Esq;	1000	July 15, do.	31 years from Ladyday 1763
John D. of Bedford, in trust for			
Mary Fitzpatrick	100	Aug. 26, 1763.	Life.
Louisa Fitzpatrick	100	do.	do.
Richard Fitzpatrick	100	do.	do.
Harriet Vernon	100	do.	do.
Caroline Vernon	100	do.	do.
Elizabeth Vernon	100	do.	do.
Wm. Chaigneau, Esq;			

Penſions and Penſ. Names.	Ann. Penſ.	Dates of King's Letters, and Letters Patent.	Term.
aſſignee of Edward Weſton, Eſq;	500	do.	31 years from Midſum. 1763
Geo. Dunk, E. of Halifax, John E. of Sandwich, and Geo. Grenville, Eſq; in truſt for Princeſs Auguſta	5000	March 29, 1764.	Life.
Charles. D. of Richmond in truſt for Lady Louiſa Mary Lenox, wife of Lord George Henry Lenox	500	May 24, 1764.	Pleaſure.
Philip, Viſc. Strangford in truſt for his two daughters	250	Sep. 28, 1764.	do.
Laurence Brodric, clerk, in truſt for Mrs. Catherine Bathurſt	400	Dec. 3, 1764.	do.
Eliz. Mordaunt, wife of John Mordaunt, Eſq;	450	March 15, 1765.	Pleaſure.
Frances Loftus, wife of the Hon. Henry Loftus	200	June 1, 1765.	do. from Lady-day 1765
Geo. Whitelock, ſon of Maj. Carleton Whitelock	200	do.	do. from Dec. 5, 1764
William Baillie, Eſq;	400	do.	do. from Michaelmas 1764
Eleonora Symmer, widow of Rob. Symmer, Eſq;	100	do.	do. from the death of Robert her huſband, 19th June, 1763.
Henry Keppel, Eſq;	300	April 19, 1766.	do. from Lady-day 1766
Charles, Baron Camden	1500	Sept. 11, 1766.	Life, to commence from the determination of his office of Chancellor, to ceaſe when his ſon John Jefferys Pratt,

Pensions and Pens. Names.	Ann. Pens.	Dates of King's Letters, and Letters Patent.	Term.
			becomes one of the four tellers of the Exchequer.
Robert Marshall, Esq;	800	May 1, 1767.	Pleasure.
William Henry, Duke of Glouceſter	3000	do.	do. from Jan. 5, 1767
Hen. Frederick, Duke of Cumberland	3000	do.	do.
Mrs. Mary Cottorell	100	Jan. 26, 1768.	Pleasure, from Jan. 5, 1768.
Mrs Elizabeth Magdalen Foye	100	do.	do. do.
Isabella Montgomery	100	April 26, 1768.	do. do.
Elizabeth Harrison	50	do.	do. do.
Anna Helena Heatly	50	do.	do. do.
Margaret Warre, wife of John Warre, merchant	100	June 7, 1768.	do. from May 21, 1768
Barbara Wight, alias Mitchell, widow, and Frances Mitchell, spinster	50	June 25, 1768.	do. from Feb. 2, 1767
Vinchon Desvoeux, minister of the French church at Portarlington	50	do.	do. from Sep. 8, 1767
Mary Hussey, widow of James Hussey	200	June 29, 1768.	do. from Sep. 29, 1767
John Lord Courcy, Baron of Kinsale	400	do.	do. do.
Earl of Carrick	1000	do.	do. do.
Mrs. Lucy Waite, wife of Thomas Waite, Esq;	200	do.	do. do.
Mrs. Catherine Dykes	50	Oct. 18, 1768.	do. from Michaelmas 1768
Arthur Dawson, Esq;	800	Nov. 15, 1768.	do. from Nov. 25, 1768.
Frances Benson	200	April 28, 1769.	do. from Lady-day, 1769
Jane Jephson	300	June 6, 1769.	do. from Christmas 1768.
	£ 8109 6:7:6		

Henry Meredyth, Deputy Auditor General.

A List of the Pensions now in being on the Military Establishment of Ireland, distinguishing those that have been granted for Lives, and for how many Lives; and those that have been granted for years, and for what terms; and those that have been granted during Pleasure, and when those Pensions respectively commenced, whether in Possession or Reversion.

		Times when Pensions respectively commenced.	per Annum.
	during Pleasure.		
James O'Bryen, Esq;	do.	Jan. 1, 1738.	182:10
Capt. John Graydon	do.	March 25, 1763.	200
Mrs. Catherine Weller	do.	do.	100
Capt. Rich. Fitzgerald	do.	Dec. 25, 1754.	200
Capt. George Johnston	do.	Oct. 10, 1757.	100
Nicholas Kellaway	do.	Aug. 24, 1758.	85:3:4
Mrs. Marg. Whitney, by the establishment	do.	Oct. 25, 1760.	100
Lt. C. R. Clark, Pat. dur.	Life.	do.	600
Mrs. Cath. Stuart, widow, during pleasure, for her own maintenance, and for the maintenance and education of her three children, Frances Stuart, Jane Stuart, and Amelia Stuart, by the establishment		do.	200
Capt. Pierce Butler	do.	July 30, 1762.	182:10
Jn. Lyons, Esq; and Mary Lyons his daughter	do.	March 25, 1763.	100
Annabella M'Culloch	do.	do.	150
Captain Jerome Noble	do.	June 24, 1763.	182:10
Lieut. Thomas Stannus	do.	do. 1764.	50
Mrs. Letitia Molesworth	do.	March 1, 1765.	100
Mrs. Dorothea Fowke	do.	March 30, 1765.	200
Mrs. Elizabeth Houghton	do.	Feb. 17, 1766.	50
Nicholas Cowse	do.	March 26, 1766.	80
Mrs. Anne Cliffe	do.	do.	100
Mrs. Anne Lyndon, and Helena Lyndon, and the survivor of them	do.	do.	200
Major Lewis Marcell	do.	May 23, 1766.	273:15
Edward Candler	do.	Sep. 30, 1766.	70
Lieut. Thomas Stannus, additional pension	do.	do.	30
Thomas Coote, Esq;	do.	April 6, 1768.	300
Anne Grant	do.	June 30, 1769.	100

	during Pleaſure.	Times when Penſions reſpectively commenced.	per Annum.
Theo. Deſbriſay, & Magdalen his wife, and the ſurvivor of them	do.	Nov. 8, 1768.	100
Lieut. James Aſhe	do.	do.	100
		£	4136:8:4

Richard Robertſon, Deputy Muſter-maſter-general.

For the LONDON MUSEUM.

Privilegium non valet contra rempublicam. BACON.

LORD Harcourt, in his defence of Sacheverell, amongſt many ingenious remarks, has obſerved, that there *are ſome caſes which it is wiſdom even in the law not to ſuppoſe, much leſs to provide a remedy for:* this rule, fraught with excellent advice, had been long regarded by our anceſtors with the moſt profound reverence; and when any nice and important ſubject of controverſy had been ſtarted, it was ſuffered to eſcape; nor was it ever purſued to any dangerous lengths until the preſent time; the right in theſe very intereſting caſes is diſcoverable, but the diſcovery is too dearly purchaſed; the queſtion may be decided, but had better remain otherwiſe, becauſe the victors become inſolent, the vanquiſhed are exaſperated, and watchful for an opportunity of retaliating upon their adverſaries. Inſtead of a common good, mutual vexation is the object of both parties. Reſpect for each other, or fear, if you pleaſe, which holds all men and all orders to the orbit of duty, is loſt; for reſpect ariſes from an opinion of ſtrength in both, not from the revealed weakneſs of either. A caſe of this nature was the Agrarian conteſt amongſt the Romans. It produced thoſe animoſities by which the ſtate was deſtroyed; the right was undoubtedly in the people; their ſuperiority they felt with too much pride, the Patricians could not ſubmit; and the only ſtruggle for ever after was, who ſhould give a tyrant to their country. I will venture to ſay, that the queſtion now agitated, whether *the Houſe of Commons has a right to ſet aſide an election of the people*, is one of thoſe which are dangerous in the diſcuſſion; and yet the violent indiſcretion of the preſent adminiſtration, hath urged

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it ſo far, as to make not only the diſcuſſion, but the determination of this queſtion abſolutely neceſſary. Altho' differing with regard to the contending parties, (for the tribunes were never known to betray the rights of the people) yet the Roman and the Britiſh controverſy agree moſt exactly in the object of the diſpute. The Plebeians contended for a property long with-held from them by the Patricians, and the people of Britain contend for a right of conſenting to thoſe laws, which form the bulwark of property, and without the enjoyment of which right, property is but a ſhadow; but that which forms the moſt alarming reſemblance between the caſes, and from whence our apprehenſions muſt ariſe, is, that there was no ſettled acknowledged tribunal to which their differences could be ſubmitted; ſentence may be paſſed, juſt, legal, but not ſatisfactory; for nothing compoſes the mind of a people, but the judgment of an acknowledged juriſdiction.

Inſtances, it is true, are not wanting, where the Houſe of Commons have arrogated this juriſdiction; and, after expelling an abnoxious member, ſcorned the re-election of the people; but if any weight was to be allowed to precedents, in caſes of ſuch high concern as the preſent, becauſe a people, having more diſcretion than thoſe who provoked them, did not run into open violence, can they, for that reaſon, be ſaid to have acquieſced? The maxim of law which gives authority to cuſtom, is this, *ex diuturnitate temporis omnia præſumuntur eſſe ſolemniter acta*; that is, a practice continued for a length of time, ſuppoſes every thing to have been done agreeable to juſtice and convenience. This neceſſarily imports an acquieſcence of the people, which muſt exclude every idea of grievance, or of diſcontent; but the Houſe of Commons cannot maintain themſelves upon the ground of acquieſcence, or pretend, that their power of rendering, by vote of expulſion, a member incapable of re-election, did ever receive the approbation of the people; for the cries of the people have, upon every attempt of this nature, been loud and uninterrupted. The ſame perpetual claim has been alſo made, where the people were ouſted of their right of voting, as in the well-known Ayleſbury caſe; they reſorted to the Houſe of Lords, as the dernier conſtitutional judges of the properties of the nation; the Lords interfered; they conſidered the privilege of voting for repreſentatives as the freehold of the ſubject; they were determined

termined to ſupport it, and great diſſentions aroſe between the Houſes upon that remarkable occaſion. Are theſe arguments of ſuch acquieſcence in a people, as could impart that reverence to uſage, which alone can eſtabliſh it into a law? The Houſe of Commons is allowed to be a court, but not a court of judicature; although ſome have improperly called it ſo, becauſe they are judges of their own privileges: theſe privileges are not ſuppoſed to have any relation to property; and whenever the Houſe extends its juriſdiction to property, it exceeds its legal power. Rules, like every other aſſembly, it muſt have for preſerving order and decorum; which rules they have thought proper to dignify with the name of Law and Cuſtom of Parliament. Theſe indeed may acquire force from diuturnity; they are not found inconvenient, they hurt not in general, and for that reaſon, they have not been diſputed; but when they come to make rules in direct oppoſition to the laws of the land, and aſſume a dominion over the freehold, franchiſe, or chattel of their fellow ſubjects, like any other court exceeding its bounds, their acts ſhall be a nullity, their corporation undergo a temporary diſſolution, and the people be called upon to erect one of more worthy and leſs corruptible materials.

There is another principal ingredient in the obligation of a law, wherein this law and cuſtom of Parliament ſeems to be very defective. Moſt good writers upon that ſubject (Puffendorff in particular) have declared promulgation to be of the eſſence of law; now, when and where has the above law received its promulgation? If we can rely upon Sir Edward Coke, an enthuſiaſt for the power of the Commons, becauſe faithful at that time to their conſtituents, it never did receive a promulgation, at leaſt if it did by his account, it was a very partial one; for his words are, *Lex et conſuetudo Parliamenti ab omnibus quærenda, a multis ignorata, a paucis cognita:* 'it is unknown to many, known to but few, and what all are to ſeek for.' Now, if this be the caſe, in order to eſtabliſh that concordance between its parts, in which our law is ſaid to delight, it is incumbent upon ſome of the admirers of this learned judge, to reconcile the acknowledged obſcurity of this parliamentary part, (which is, it ſeems, to be of force equal to that of the more explicit heads of our code) with another maxim, which lays it down, that *ignorantia*

legis non excuſat. 'Ignorance of the law ſhall not excuſe.' The law and cuſtom of Parliament is a part of our law, which we cannot poſſibly come to the knowledge of, and yet we are not excuſable in tranſgreſſing it; this, ſure, is abſurdity itſelf; and the only method I can take, for diſengaging Engliſh juriſprudence from the charge of injuſtice, is to reject this prepoſterous excreſcence entirely. Where there is no law, there can be no tranſgreſſion, at leaſt as to the affairs of this world; and this ſenſible age will rather be directed by the rule of that great civilian, Ulpian, who ſays, *mihi lex non videtur quæ juſta non fuerit*; 'juſtice is the teſt of law, not law of juſtice,' with him; and whether the arbitrary ordinances of a ſet of men, for enlarging their own authority, to the prejudice of thoſe who elevated them into the office of legiſlators; ordinances inverting the rules of common ſenſe, and altering the very nature of numbers, which the deepeſt philoſophers of former ages have held to be fixed and invariable. Whether theſe be agreeable to the above rule, the honeſt and diſcerning part of the nation muſt determine.

I am ſorry to ſee every reaſoner upon this diſpute, ſearching, like the declaimers in Weſtminſter-hall, for caſes in point, and ranſacking the books for precedents. A precedent is ſurely held in much more veneration in our law than it deſerves in any ſcience, which hath pretenſions to be called liberal. The profeſſors in other ſciences, when an error is diſcovered, however ſanctified by time, are eager and induſtrious to get rid of it; but in law, the error is religiouſly tranſmitted from age to age as a precious relique, before which truth muſt fall down and adore. Yet our law-books afford inſtances, where the learned judges, after long ſufferance, it is true, have at length exploded former tenets. Upon memory, I can mention the caſe of Matthew Manning, in Coke's 8th report. In ſuch low eſtimation, it ſeems, was a term for years in the eye of the law, as to be thought incapable of a limitation over for the lives of different people; but in that caſe, the court was of opinion, that ſuch limitation may be good, having, after conſidering the matter for many centuries, at length diſcovered the great ſeverity, of hindering a man who had no property, but a valuable leaſe for years, from making a ſucceſſive proviſion thereout for his children,

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and preventing the firſt who came into poſſeſſion, from diſpoſing of the whole. Indeed, the ſagacity required to ſuch a diſcovery, could not be great, theſe ſages being every moment inſtructed out of their books, that *precedents, tantum habent de lege, quantum habent de ratione*, 'that precedents not founded on reaſon, have not the force of law.' It muſt again be allowed, that they have another maxim in favour of precedents, which ſays, *res judicata pro veritate accipitur*, 'an adjudged point is taken for an eſtabliſhed truth;' a ſound maxim, when private property is the ſubject, unleſs regarded with too much ſuperſtition. It is prudent in a judge not to ſhake the determinations of his predeceſſors, becauſe uncertainty and fluctuation in rules, which direct the property of a nation, are productive of general inconvenience, which our law deteſts; the principle upon which this reſts, is the preference given to public good, when brought into competion with that of an individual; but although it is nearly indifferent to community in the abſtract, whether an eſtate ſhall go to A. or to B. yet, if the juſt right is diſcoverable to be in A. it were better that A. ſhould have the eſtate, howbeit at the expence of ſome reverend precedent. Judges, upon mature deliberation, may break through theſe ſtays to juſtice, and what is there to prevent this mature deliberation? I have ſeen the late Chief Juſtice Willes, and the preſent Lord Mansfield, break through many of them, with great honour to themſelves, and much advantage, I am convinced, to poſterity; but if the overcaution of our ſages ſtands in the way of wholeſome innovation, may not repreſentation be made to legiſlature, of the inconvenience of certain received rules, and of the neceſſity of aboliſhing them? There can be no want of ſolemnity and deliberation in an act of Parliament; its notoriety is great, and its authority unqueſtionable. The law would then become ſettled, and no occaſion to be plagued by precedents; this, however, may alſo tend to the removal of obſcurity—how fatal it is, that a meaſure of ſuch public utility ſhould not be, at the ſame time, a profitable one to the gentlemen of the long robe?—It being clear, that precedents, even in caſes of private property, ought to have law and reaſon as their ſupport; by this, let us examine the diſputed precedent now before us: the Commons ſay, We will judge the diſpute be-

tween us and the electors of Middleſex, not becauſe we are parties in the caſe, and therefore the proper judges, but becauſe we have done ſo before. How does their having done ſo before form a precedent; their having done ſo not being warranted either by law or by reaſon? Does this precedent draw its authenticity from uſage? No, uſage implies acquieſcence; but the people oppoſed, proteſted, murmured, did every thing but come to blows with them, therefore did not acquieſce. From expreſs law? No, the Commons have no regard to law, their votes being unto them a law. Then they muſt draw it from reaſon; nothing more falſe, for the voice of not only the nation, but of all mankind, proclaims aloud, that ſhould a conteſt ariſe between repreſentatives and conſtituents, if either be competent to judge it, the repreſentatives are not, becauſe all derivative power is inferior to the original one. In ſhort, the Commons having no approved authority to juſtify what they have done, the cuſtom relied upon is odious, unreaſonable, and falls, under the deſcription given by law, to all ſuch cuſtoms—*Potius uſurpatio quam conſuetudo.* But allowing to precedents in private controverſy their full operation, it will not appear ſtrange, that in matters of ſo high a nature as that now treated, they ſhall meet with but little reſpect; becauſe I cannot be ſo logically unorthodox, as to acknowledge the arguments *a minori ad majus*, or that, in examining the merits of this cauſe, our reaſonings ſhould be governed by the ſubordinate rules of common juriſprudence. A precedent cannot have effect in ſupport of a right, when the diſſolution of this very precedent is the object in view; that which is urged as an authority, is the identical thing now complained of. When a remedy againſt abuſes, which inattention has ſuffered to overſpread our conſtitution, is ſought for, length of continuance is ſo far from proving any thing in their favour, that it furniſhes the ſtrongeſt reaſons for accelerating the abolition of them. The Commons ſay, we have acted after this manner in the caſe of Mr. Walpole, and will therefore do ſo again. The people reply, you have done wrong in the caſe of Mr. Walpole, and you ſhall not do ſo again. In ſhort, the man who deliberates freely, upon the great and extended intereſts of the Britiſh empire, muſt fill up his mind with the preſent circumſtances of its affairs; he is to

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frame rules for future occurrences, and not for thoſe which are paſt. The changes which have happened, render many former regulations unapt at this day. Experience has proved them unequal to the ends propoſed, nay, in ſeveral reſpects, obſtructive of them; and, amongſt the other changes, an aſtoniſhing growth of corruption has made it neceſſary for the people to be more watchful over their repreſentatives, than in ages of more ſimplicity. In defiance then of a fear of being called innovators, leaving precedents to the lower departments of Weſtminſter-hall, let the pilots of our legiſlature ſteer by the principles of the conſtitution, the bright ſtars of nature and reaſon. There was a time, when the houſe contained ſeveral members, who held a proper diſcipline over ſuch barriſters as ventured amongſt them, and preſerved the national eloquence from being infected by the dry, circumlocutory, mechanical diſcourſes of theſe gentlemen; but their mode of ſpeeching is now univerſally adopted; whole days and nights are waſted in citing precedents on one ſide, and in labouring, on the other ſide, to explain them away. Even the aſſemblies of Butcher-row, and Newgate-ſtreet, have catched their manner; nor, will any caſuiſt exhibit himſelf there, who does not bring along with him a budget well crammed with caſes. But to return: in their deliberative capacity (and the Commons have no judicial one) precedents really deſerve but ſmall reſpect. Will you ſhake eſtabliſhed precedents, ſays the ſmart practitioner? moſt certainly, where the expediency of doing ſo is apparent. What have we been doing for ſome centuries, at a waſte of blood and treaſure, but pulling down precedents, which had their riſe in ages of folly, ſuperſtition, and of lawleſs violence? To this ſpirit of ſeaſonable innovation, may be attributed the lowering of the clergy to a truly chriſtian ſtandard; to this, our reſtrictions upon the exorbitant power of the barons, the curb upon the fury of prerogative, and to this the nation muſt be obliged, for reducing the Houſe of Commons within the bounds of duty. Would they but diſplay that virtuous moderation in themſelves, and do the work, immortal honour would be their reward; but it is no ſelf-denying age, and if they do not, means will be found of doing it for them. Now, to conclude this article: by conceding the caſe of Mr. Walpole to be exactly in

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point for their preſent purpoſe, a great conceſſion, the ſtrong arguments to the contrary being well conſidered, it can nevertheleſs avail them but little here, becauſe the time when that caſe fell out, might have been unfavourable to the people for conteſting it. A ſpeedy diſſolution of the expelling Houſe of Commons was naturally approaching, and the nation might have had hopes, that the injury ſhould not be repeated; eſpecially the acceſſion of the preſent family being expected each hour, and meaſures of more popularity for that reaſon; but ſurely it will not follow, becauſe a patient, long-induring people, may ſuffer their rights to ſleep for a while, that theſe rights ſhall therefore expire; thoſe who think ſo, may find it perhaps otherwiſe; and ſince that Tory principle, which is no more than a ſeed of popery, rooted in the ſoil of politics, producing the periodical diſtemper of diſcord and confuſion to this country every fifty years at leaſt, ſince it has, with its uſual temerity, revived the injury, I doubt not, but thoſe who bore the firſt with patience, may now inſiſt upon having theſe violated rights fixed upon ſo firm a baſis, that no pretended precedent whatſoever ſhall be able to ſhake them for the future.

It cannot be denied, that the preſent mighty power of the Commons, is of a date extremely modern, when compared with the antiquity of our conſtitution. Prerogative had long kept the privilege of both houſes low enough: it appears from the 5th of R. II. that the Lords were puniſhed for abſence from Parliament, by amerciament in the King's-Bench; the Commons were puniſhed for diſobedience of the King's writ in the very ſame manner. Nor were any of theſe ſelf-condemning powers acknowledged in them, until Henry VIII. having great ſchemes in deſign, to ſtrip the church of her property, and to limit the ſucceſſion of the crown according to his own humour, found it neceſſary to ſecure the concurrence of his Commons; to that end, he gave them a length of continuance unknown to former times; and by act of Parliament, in the 4th year of his reign, impowered the Lower Houſe to puniſh her members for abſence; and by an act of the 6th of the ſame reign, no member is to depart without leave firſt had and obtained from the Speaker, to be entered on record in the book of the clerk of the Parliament.

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We do not find in theſe acts any power of puniſhing crimes, of which the ordinary courts of juſtice hold cognizance; none of incapacitating their members from repreſenting their fellow ſubjects. The power hereby given, is confined to puniſhment for the ſingle article of abſence from Parliament. It relates to the member only in his peculiar parliamentary character; for what he does as member of the community in general, to the general laws of the community is he accountable, and theſe have taken care to ſpecify thoſe crimes, which diſqualify for the great truſt of the people. If then an expreſs act of Parliament was held neceſſary at that time, for impowering an Houſe of Commons to inflict penalties of a ſlight nature upon their own members, which act had the caution to deſcribe the particular caſe when this power ſhould be exerted; when the plenitude of the three branches of the legiſlature gives no more power than this, ſhall a ſingle branch preſume, upon the bare authority of blind cuſtom, to expel, incapacitate, and exerciſe an unlimited diſcretion? Shall this branch, contrary to eſtabliſhed principles, puniſh a delinquent, who had already ſuffered judgment of law? Shall this branch tell the law, which is the powerful voice of three concurrent branches, that ſhe has been too merciful, and add to the diſtreſſes of the afflicted? To mitigate the rigour of law, is agreeable to its own nature and genius, and ſuch power does it acknowledge in our kings; but to enhance its rigour into cruelty, was reſerved for the infamous ſecond Parliament of ———. The crown has been hitherto conſidered as the fountain of mercy; the Houſe of Commons, to after ages, ſhall be branded as the ſource of ſeverity, unrelenting virulence, and ſore oppreſſion, in an attack ſo unexpected upon the liberties of a nation, as the late one. The people, upon the alarm, might have been thrown into confuſion, and not able, on a ſudden, to agree upon a diſpoſition for defence; thoſe who adviſed an application to the crown for a general redreſs of grievances, adviſed the irretrievable ruin of the conſtitution; and it is to be feared, that ſome enemies, who lurk under the appearance of patriotiſm, having in their eye how the liberties of Denmark periſhed in one day, were employed by their artful patrons to plunge us alſo into ſlavery by one ſtroke. A petition for diſſolution was happily conceived; it demanded of the crown what the laws had impowered

powered it to grant. The king is not called in to judge; he has no judicial power, except by the mouth of his judges; he has no power of judging any branch of legiſlature, each branch being upon a footing of equality, and *inter pares non eſt poteſtas*; but he has a power to diſſolve, and cannot, in juſtice, refuſe it. That a Parliament does not give ſatisfaction to a people, is as firm ground for putting an end to it, as its not being agreeable to the crown, which laſt cauſe has often produced a diſſolution. If the people have an inherent right to petition for calling a Parliament, by parity of reaſoning, they are judges whether the circumſtances of the kingdom require the diſſolution of one. If they have a right to demand the means of procuring a good, they have the very ſame title to require the removal of an evil; the removal of evil being, to every intent, a real poſitive good; and the *collective* capacity of the people does not abſolutely determine upon being *repreſented*; to anſwer emergencies, that of petitioning remains, and the law acknowledges it; for it has limited the number of thoſe who ſhall aſſemble to preſent the petition, ſhould a ſick man find himſelf growing worſe, under the hands of a phyſician whom he himſelf had called in, but who ſeemed too eager in ſerving a neighbouring apothecary, one perhaps to his Majeſty, at the expence of the patient's health and fortune, would it not be cruel to hinder the poor man from diſcharging him, and calling in another? or ſhall the firſt be allowed to plead his priority for a certain number of days, and inſiſt upon his privilege of killing the patient? If that wiſdom and moderation, which once diſtinguiſhed the Commons of England, was to be found at this day, a petition from the people, to put an end to the truſt of their repreſentatives, would not have diſgraced the annals of Britain; and in caſe of expulſion (which is no more than an annunciation to the people, that *ſuch a particular member has been thought, by them, unworthy to repreſent his conſtituents*) ſhould the member be re-elected, the Houſe would change its opinion, and reaſon thus:—Our profound reſpect for the dignity of the people of Great Britain, induced us to expel this man, being, in our eſtimation, improper for ſo exalted a charge; we have referred his behaviour to the people, they have thought otherwiſe, and we ſubmit. When the ſeat of a mem-

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ber is vacated, by accepting certain offices under the crown, he is, in effect, expelled by law, and yet the re-election of the people purges him of every inſufficiency. And ſhall this confidential power, repoſed by our law in the people, be able to effect that againſt the act of three co-operating branches of legiſlature, which it cannot effect againſt our ſingle vote? Shall it controul the greater, and not the leſſer power. We have been precipitate—let us relent—let candour re-aſſume its place amongſt us, and all will be well again.

COCLES.

For the LONDON MUSEUM.

To GENERAL PAOLI.

SIR,

WITH juſt indignation do I feal the ungenerous treatment you have received from our inſolent, yet daſtardly adminiſtration. Allured by their promiſes, deceived by their inſincerity, you rely upon men who rejoice in the diſtreſs of every virtuous being, and who exult in the ruin which they are about to bring upon the liberties of their country. Had your intercourſe with the Premier been in his miniſterial capacity alone, buſineſs might have furniſhed your excuſe; but to diminiſh that favourable idea which the public was diſpoſed to entertain of your good ſenſe, by ſtooping to mix in a private party, with the avowed enemy of the Britiſh nation, was an indiſcretion which you cannot defend. His intention was to reduce you in the eyes of the people, from the hero, to be the dwarf of Corſica, elſe would he never have decoyed you into an aſſociation with the wretches who formed a part of your company, on Wedneſday the 28th of November. That a B— was at the table, gives no great reputation to the meeting. B——s, in this country, are found convenient to men of intrigue, as in other parts of the world, eſpecially when m—s are beſtowed upon ſuch ready ec——cs as Doctor ——; for, be aſſured, that he has attained to his c—— dignity by ſuch ſteps as would diſgrace the moſt abandoned p—p in the purlieus of Covent-garden; and know, that this precious d—e, by direction of our great Premier, was aiding, contriving,

and aſſiſting to the unlawful pleaſures of his late D—, in order to become a creditable witneſs of her infidelity, ſecure thereby a divorce, and pave the way to his preſent grand alliance with the houſe of B——d. Judge, therefore, of the great honour his Grace has done you, by an introduction to ſuch a companion. The next was the clerk of a certain great b—d, who recommended himſelf, by keeping a private houſe of amorous commode for his Grace, and for the cowardly and perfidious Lord B——. And a third, the reſpectable Mr. ———, married to the ſiſter of the aforeſaid cock-bawd, who had been a broker in 'Change-alley, and who availed himſelf of intelligence from his brother of the Treaſury moſt conſiderably: he is, indeed, at preſent, the truſty auctioneer of the D— of G——, for the private ſale of places, to whom, had ill-fated Vaughan applied, no information would have been brought againſt him in the King's-bench. Into ſuch honourable company have you been brought by his Grace; nor can the world be convinced that you are come forth uncontaminated. Why would you fly the chaſte embraces of popularity, and throw yourſelf into the arms of proſtitution? Why treat, with a very unbecoming neglect, ſome of the moſt reſpectable characters in this iſland, the ſteady aſſertors of civil liberty? Why not drop one pious tear of tender remembrance upon the tomb of the brave, ill-treated, unfortunate Baron Theodore, to whoſe advice, to whoſe labours and aſſiſtance you are much indebted for that favourable light in which you did ever appear to the world? Heroiſm and ingratitude are ſeldom known to reſide in the ſame boſom.

Non bene conveniunt nec in unâ ſede morantur.——

I am not an enemy to your perſon, I am the friend of your fame; preſerve it well, for being the moſt honourable, ſo is it the moſt valuable treaſure of a ſoldier.—Be not perſuaded, that the opinion of this great people is to be diſregarded; without their good opinion, your retreat into this kingdom, although it may be ſafe, cannot be honourable. You may eat, you may drink, you may breathe without it; but alas! where then is Paoli? Foreigners, undiſtinguiſhed, live quietly here in a comfortable obſcurity. In the man to whom no applauſe hath been given, uncommon merit is never required; but of him,

who

who has been covered with panegyrick, and yet in whom no real worth is found, public contempt at beſt muſt be the portion.

CLYTUS.

For the LONDON MUSEUM.

Copy of a Letter from LADY MARY WORTLEY MONTAGUE, *never before printed.*

To Mrs. S. C. *Vienna, Sept.* 8, *O. S.* 1716.

NOTWITHSTANDING, my dear S. I am arrived here, after a moſt fatiguing journey, I cannot forbear telling you I am well. How often I lament your fears of diſobedience, and the cares of your relations, depriving me the pleaſure of your company, and you the enjoyment of ſo many novelties.—I dropped you a letter from Nimeguen, in Auguſt, where, with truth in deſcription, I wiſhed to make you envy me, who envies your company.—I ſuppoſe you ſtill expect great things from me, though you are abſolutely ſo lazy, as not to tell me the common occurrences amongſt our friends; but though this appears too plainly the caſe, I muſt not retort ſilence, though I am ever ſo angry.—Our paſſage from Ratiſbon to Vienna was by water, and more rapid than a coach and ſix; we perfectly flew from villa to city, and with every convenience of a houſe. The Danube, in her variety of beauties, as much ſurpaſſes your Thames, as the rivers in Homer do the dulleſt geographer.—Hampton, Richmond, and Piercy-lodge, would be loſt amongſt ſuch ſuperb palaces, and rural retreats: the banks of the Danube being moſt pleaſingly diverſified, with mountains, vineyards, rocks, woods, awful remains of mighty cities, *nodding* caſtles, and *yawning* pieces of prieſtly pride.—I muſt tell you the odd method the country people have of taking fiſh: the ebbing of the lake is ſignified to the peaſants by a bell, who never fail to be ready, above an hundred of each ſex running promiſcuouſly in the water, as naked as our *primitive* parents. The more decent part of the inhabitants have endeavoured to ſuppreſs a cuſtom ſo *degagé*, on account of a convent, from whence the ſtudents are allured, in ſpite of homilies and penance, to enjoy ſo ſingular a ſpectacle. I muſt own it had a certain effect on me, but I found it neceſ-

ſary, as a traveller, to be perfectly reconciled to the different manners of the countries we paſſed through. Now I am arrived at Vienna, to be ſure you expect a multiplicity of ſtrange things, and yet you muſt forgive me, if I deviate from regularities; for, was I to commence hiſtorian, and relate every agreeable novelty of this city, I muſt weary you, and prove myſelf a ridiculous retailer of ſtuff. The third day after my arrival, I paſt at Baden, famous for its warm baths, where both ſexes float promiſcuouſly in the ſame water, and divert themſelves with eating ſweatmeats, or making love. There are ſeats in the baths for the conveniency of the bathers, where they enjoy a kind of coffee-houſe converſation: the bathing cloaths are linen, and cover the whole body,—and ſome ſo truly fine, as even to reveal, what decency would wiſh to hide: thoſe of the women have lead at the bottom to keep them down, and prevent *buoyant* revelation; but although flannel indecencies are common in England, yet their retiring to private apartments with ſtoves leading from the baths, is much ſuperior to your being *ſhuffell'd* up ſtairs by two men in a leather tub; for here, they dreſs and undreſs with pleaſure apart.—Though you are ever ſo weary, I ſhall not conclude without one eccleſiaſtical obſervation to your brother. In the *hof* or area facing the Jeſuits college, is a brazen pillar, dedicated to the bleſſed Virgin, the image of her a maſterly execution, and though expoſed to the inclemency of the weather, retains its luſtre.—It was whiſpered me, as a holy ſecret, "that the "*brazen* Virgin ſpoke on the erection of the pillar," promiſing her protection for the "honour done her."—I will leave you to deſcant on this ſuperſtition, being reſolved to relieve my dear S. with your's, &c. &c.

*** *The gentleman to whom we are indebted for the above* Original Letter, *has promiſed to favour us with more; which, he ſays, are in his poſſeſſion, in her Ladyſhip's own hand writing.*

For

For the LONDON MUSEUM.

An Eſſay upon the unfortunate Charms and Power of MUSIC.

Thrice hapleſs ENGLAND, thou too ſoon wilt ſee,
A people caſtrated like Italy. ANON.

IN the very early time of the world, we are told of the happy effects that ſweet, ſoft ſounds had over the ſavage tempers and diſpoſitions of men. And though ſuch facts are clouded and obſcured with myſterious allegory, yet they convince our reaſon, that the excellence of *Orpheus'* harp, and *Jubal's* lyre, did, in a great degree, harmonize the manners of mankind, and leſſened their brutality. "*Emollit mores,* "*nec ſinit eſſe feros.*" As men increaſed in knowledge and experience, muſic increaſed in harmony; and then it was ever introduced in honour of the gods, and the celebration of victories. Muſic was conſidered in a general light, and the performers rewarded for their excellencies. Conſidered in that manner, it became a neceſſary and pleaſing ornament of a ſtate; nay, dignified the Prince too it played in honour of. But did heroes or kings become fidlers, pipers, and ſtrummers—(David excepted, who was but a *hymnick* performer.) Did CÆSAR or ALEXANDER neglect the buſineſs of the cabinet, or the purſuit of conqueſt, for the ſound of a ſtring; or did even love-ſick ANTHONY, who fell by the faſcination of an Egyptian baſiliſk, yield his martial ear to the ſiſtrum? But when money flowed in upon the Romans, from their extenſive poſſeſſions and conqueſts; and luxury, the certain attendant, came preceded by muſic; we ſee thoſe illuſtrious men men melting like wax in the ſun, and ready to take any impreſſion vice would impoſe upon them. When CINCINNATUS could deſcend from the triumphant car to his humble cottage, and dig his own ground, ROME flouriſhed; but when the ſword was ſuffered to ruſt, and the ſpade to lie idle; when wholeſome beds were reſigned for couches of down and tapeſtry, and men who formerly eat well, and ſlept ſound from the exerciſe of the chace, required ſoft ſounds to lull them to repoſe, then did the Romans loſe their laurels, and ſuffered their courage, manhood, and virility to be taken from them, to make ſingers; then did they dwindle into ſqueaking *Italian* eunuchs,

eunuchs, and bowed their necks to the rough, unpoliſhed, *unmuſicall'd Goth* and *Vandal*. Hardy dogs, unbitten by that damned ſpider of Italy, the *Tarrantula*.——O! hapleſs ENGLAND; thou who gaveſt laws to the world, declareth this *italick* madneſs. Will not the ſoft tranſporting voice of our beauteous countrywomen, captivate the ſoul, without raking amongſt the nerveleſs ſons of Italy for eunuchs! Shall all the advantages of a tour be centered in a catamite, a fiddler, and a voice! Shall we, by travel, give up our reaſon, give up the HEBES of this iſle, for turpitude and *Ganymedes!* Shall all our eſtates be waſted and conſumed upon *Bach's*, *Abel's*, *Giardini's*, and *Piretti's!* Shall a beauty too of theſe kingdoms reſign the growth, the glorious breed of Ireland, for a ſapleſs, yellow *Tenducci!* Shall the firſt perſonages amongſt us, allow ſuch cat-gut enchanters to poſſeſs, and receive at their hands double the pay of an Admiral or a General! Shall the higheſt of our higheſt nobles devote their time to private conſorts! and ſtrum a guittar, inſtead of firing at the ſound of a cannon! If we muſt have muſic, let it be martial, let it be calculated to ſtimulate the ſoul, rather than to enervate, relax, and effeminate! Effeminate! 'tis well if it goes no further; for, if our men only retain the courage of *our women*, we yet will beat the French. Princes, Princeſſes, Dukes, Dutcheſſes, and Peers of England, throw down the fiddle! Let fiddlers entertain you, but not debauch you! reward *Hay* for his playing! he plays well enough for an Engliſh ear, without importing ſuch a cloud of exotic locuſts to devour us up. How many young men, of my intimate acquaintance, do I know, ruſhing down the ſteep of Deſtruction; intoxicated with ſweet ſounds, and raviſhed of their courage and fortitude; lads who once were known for proweſs and gallantry. Inſtead of the lives of heroes, the exerciſe of the chace, and the various noble ſtudies taught in theſe kingdoms, we find their company is reſigned to Italian *ſpunges*; and the furniture of their rooms changed to an harpſichord, guittar, flute, fiddle, and a pile of ſonatas. But, if our firſt perſonages can become *baſs-viol-men*, and to-be-laughed-at *Lotharios*, there is no wonder if the city and ſuburb 'prentice reſign the inſtrument of their occupation, for an inſtrument of empty ſounds. The

old

old ſtory in theſe territories, of a gentleman's * playing the hum-ſtrum ſo well, to get a grant of his wife's return, was a ſingular attempt. I do not believe, juſt now with you, that the beſt conjugal muſician amongſt you, would bring back either Lady Oſſory, Lady Sarah Bunbury, Mrs. Pitt, or Lady Stanhope.

Elyſium, Nov. 7, 1769. ANDREW MARVELL.

* Orpheus and Eurydice.

To the EDITOR *of the* LONDON MUSEUM.

SIR,

UPON hearing the bold and high mettled Prologue to the Comedy of the Brothers, I flattered myſelf that we had, at length, found out one writer, who relying upon nature and himſelf, had ſet all the petty ſtates of criticiſm at defiance; but the Epilogue, which opens with that fulſome compliment to you, drawn from the painting of Reynolds, and ending with the *immortal actor ſtands*—ſoon daſhed all my hopes, and brought a very mortifying diſappointment.—A life like Mr. G—'s, impreſſed by every mark of prudence, which a ſtrict attention to the moſt rapid accumulation of wealth could make, will, at firſt appearance, cauſe any charge of folly againſt him, to recoil upon the perſon who brings it; but looking cloſer, we ſhall find other concerns beſides riches, the neglect of which do involve a ſtrong idea of folly, I mean the neglect of reputation; and although I will confeſs, that to be poor in this age, is almoſt to be criminal, yet I will affirm, That to be vain, avaricious, and aſſuming, is to be entirely ſo. the aſſuming coxcomb, who is wanting in the good opinion of the world, is a much greater fool than he, who wanting in riches, is yet wealthy in the kind judgment of his neighbour, and above all, in the approbation of his own heart. Not able, therefore, to ſuppoſe any reaſonable being capable of giving praiſes ſo diſproportioned to the object, as thoſe offered to you in this Epilogue, without ſome encouragement, the charge of folly againſt you upon this occaſion, will not, upon a ſecond view, appear quite ſo extraordinary.

The higheſt compliment paid by the diſcerning ancients to departed heroes, whoſe lives had been employed in ſubduing tyrants,

tyrants, in forming communities, and in civilizing the rude human ſpecies, was to be received into the temple of their gods; our ſcribbler, however, hath fixed his divinity in the ſame nich with Auguſtus—*præſenti tibi maturos largimur honores*;—and Mr. G— has a patent for immortality, whilſt he is ſtill ranting, buſtling, and ſcraping up money in Drury-lane. To that poet, whom Virgil eſteemed above all others, he has given a place in the Elyſian fields, not in Heaven, and the moſt honourable addreſs the Sybil affords him is, *optime vates*;—even Shakeſpeare, from whoſe precious rubbiſh you have gathered ſo plentifully, deſerves not the epithet. By the aforeſaid authority of Virgil, Elyſium would be enough for him. You muſt well remember the line, *quique pii vates et Phœbo digna locuti*.—All theſe exalted geniuſſes are held undeſerving of this high diſtinction; then how, little actor, could you receive it, without the conſcious bluſh of unworthineſs.

The ſtage, Sir, conſidered in the light of amuſement and inſtruction, is an object of the utmoſt conſequence, for it contributes in forming the manners of a people; and, in this extended view, a manager may be compared to a Roman Ædile, who, among other important charges, had that of the public ſhews. What credit, Sir, are we to allow you in the diſcharge of this office? You have ſacrificed every regard of the community to your own private advantage; careful, whilſt only an actor, to blazon the beauties of Shakeſpeare, and to give the town a reliſh for them; induſtrious, ſince a manager, (notwithſtanding the Farce of Stratford) to ſink and diſhonour him. To ſave labour to yourſelf, have you not brought on ſuch wretched productions, that our audiences are ſcarce acquainted with the names of our capital writers. Have you not reduced them to ſuch a depravity of taſte, that the Murphy's, Coleman's, Garrick's, and the authors of Cyrus, Zingis, &c. have blotted the names of Dryden, Congreve, Johnſon, out of the rolls of the Drama? Some of theſe illuſtrious literati, who aſſiſted you at the Old Bailey, to ſave Baretti from the gallows, might have informed you, that nothing ſo ſtrongly indicated a vicious taſte, as ſhews, pageants, and proceſſions, which only entertain the eye, but do not ſink into the heart. The Roman critic generouſly exerted his powers in correcting this defect of his own countrymen; but our Britiſh manager is determined to force his gewgaws

upon

upon the audience, and by habituating them to his inſipid exhibitions, ſtrip them, by degrees, of all their natural good ſenſe.

By dexterity and addreſs, in the way of douceur, you are ſuppoſed to have confined the Engliſh Comedy, for the winter ſeaſon, to the two houſes; for knowing theatrical entertainments to be almoſt an article of neceſſity, to men, women, and children, the two houſes muſt have all the cuſtom. There being no other ſhop to go to, you can inſiſt upon the ſame price for common bohea, as was commonly paid for the beſt green, as much for G——k and C——n, as for Beaumont and Fletcher; and yet, if the L—d Ch——n did but conſider how much the number of audiences in this great metropolis has been increaſed of late, he would think it, for the eaſe of a deteſted miniſtry, to open places of amuſement for them. The houſes, indeed, are filled, let the play be ever ſo bad, but thouſands, for want of room, are ſent away. They grumble, they go to taverns, coffee-houſes, political clubs; and from hence ariſe the Bill of Rights-men, Mile-end meetings, Petitions and Remonſtrances—and all this to eſtabliſh a profitable monopoly for the managers; for, I will not preſume, that any great officer of the Crown would ſtoop ſo low as to be a ſharer. To your diſcouragement of growing merit, is imputed the preſent dearth of good actors; the dawn of genius always affrighted you, by a remote proſpect of rivalſhip; mediocrity you can bear, you can protect, and he, whoſe ſervility of talent chuſes you, and not nature for his guide, has always found grace in your eyes. Did any thing but your avarice draw you forth to make your appearance ſo often as you have done of late? Was you not aukwardly acting the gentleman in the long rooms at Bath, whilſt the town were conſtrained to reconcile themſelves to your deſpicable herd of underlings? and is it not from the improved management of the other houſe, that you ever play but by command? The fertility of Engliſh genius may very well afford both variety and originality to the ſtage; but if we ſhall ever be again obliged to ſit down to repetition, I hope it will not be of Jubilees, the damned flames of Ætna, and your moſt accurſed Ode. We hope it may rather be of beef, mutton, ſubſtantial food, natural to our ſtomachs. But, Sir, you are become a mere foreign cook;

haſh to-day, ragout to-morrow, and have, I aſſure you, gone very near to poiſon us.——Since avarice and vanity are ſo very conſpicuous in your character, you will, I doubt not, weak mortal! give up all pretenſions to immortality; ſo reſerving you in the poetic and hiſtrionic capacity for the ſubject of another letter,

I am your faithful humble ſervant.

For the LONDON MUSEUM.

A CRITIQUE *on* MURDOCH'S *Edition of* EDWARD AND ELEANORA: *A Tragedy. By the late celebrated Mr.* JAMES THOMSON, *in a Letter to the Editor of the* LONDON MUSEUM.

SIR,

HAVING always the greateſt opinion of the genius of Mr. Thomſon, from the repeated entertainment his works have afforded me, I was determined, when I came next to town, to purchaſe the beſt edition of him I could; when occaſionally running over Smollet's reign of Geo. II. I found there was *one*, (the profits of which were applied to the erecting of his monument, now in Weſtminſter-abbey) carried on by ſubſcription, and to which his preſent Majeſty had liberally contributed.—Under ſo exalted a patron, you may depend on it, I did not long balance it in my mind what edition to buy; but how great was my ſurpriſe, when in the ſingle play of *Edward* and *Eleonora*, above half of one of the beſt ſpeeches is left out.—As ſuch a circumſtance can ſcarce gain credit, I ſend you the beſt voucher in the world, an extract from the paſſage itſelf, as publiſhed by Mr. Murdoch.—Gloſter ſpeaking of our conſtitution, ſays,

——— *Think what cares,*
What vigilance, what toils, what bright contention
In councils, camps, and well-diſputed ſenates,
It coſt our generous anceſtors to raiſe
A matchleſs plan of freedom: whence we ſhine,
Even in the jealous eye of hoſtile nations,
The happieſt of mankind.——

Here

Here it ends.—Now, in Mr. Millar's edition, which was publiſhed immediately under the inſpection of the author, the ſpeech is thus continued;

——— *Then ſee all this,*
This virtue, wiſdom, toil, and blood of ages,
Behold it ready to be loſt for ever!
Behold us, almoſt broken to the yoke,
Robb'd of our ancient *ſpirit, ſunk in baſeneſs,*
At home corrupted, *and* deſpis'd *abroad.*
Behold our wealth *conſum'd, thoſe treaſures ſquander'd,*
That might protect, and nouriſh wholeſome peace,
Or urge a glorious war; *on* wretches *ſquander'd,*
A VENAL CREW *that plunder and diſgrace us.*

Errors in the preſs, I am not ſo hypercritical to find fault with, knowing they are ſometimes unavoidable; the alteration of a word may, in ſome reſpect too, be pardonable; but a premeditated omiſſion of near ten excellent lines, which are ſo far from being perſonal, that they apply to none but the foes of every honeſt man, and lover of his country, is a circumſtance that carries guilt on the very face of it.

I ſend you this for publication, hoping that it may reach the ears of the Royal Patron, who has been thus abuſed by ſo ſpurious an edition of a writer who comes recommended to him as well by the ſympathy of his feelings, as his being patronized by his late Royal father.—It will ſhew him what a ſore *thing* a vicious M——r is, who would thus ſtop the voice of truth, and invert the mirror of rectitude to veil the deformed features of his own character.

I am your's,

DETECTOR.

For the LONDON MUSEUM.

An original Critique on the Merits of Mr. Garrick as an Actor.

TO enter into a general diſquiſition of the merits of Mr. Garrick, ſeems to be a taſk equal to that of cleanſing the Augean-ſtable.—His *partizans* will argue, that he poſſeſſes ſuch ſuperior excellence as an actor, that no perſon can poſ-

ſibly give an adequate idea of his abilities, who is not an equal judge of human nature with himſelf; and conſequently, that comprehenſion of genius they will not allow to any living writer; whilſt the leſs *bigotted* may object, that an attempt of this kind would be totally unneceſſary, as it has ſo long engroſſed the attention of the critical and literary world.

To ſteer through the medium of theſe opinions, I ſhall very candidly acknowledge, without entering into any further detail, that Mr. Garrick is the beſt actor the Engliſh ſtage perhaps ever boaſted, or ever ſhall; his variety of characters, and his excellence in all, ſtrongly claim this eulogium, without the ſhadow of compliment or adulation.

As no actor, perhaps, ever arrived to ſuch a height of reputation, ſo none has ever taken greater pains to extend and preſerve it. The contraſted characters he has often played, in the courſe of one night—ſuch as *Lear* and *Fribble*, *Luſignan* and *Chalkſtone*, with his preſent attachment to the ſtage, though fluctuating between fifty and ſixty, are inconteſtible evidences of this aſſertion. But what bears ſtronger evidences of his *originality*, than all his various excellencies put together, is the repetition of his late ODE, *on dedicating a building, and erecting a ſtatue to Shakeſpeare*. The fame he previouſly acquired in the theatric world, though great, was partly divided by authors, and, often, after the admiration of a well expreſſed ſentence, was turned to the poet, as a ſharer in our applauſe;—but Mr. Garrick, to ſhew mankind what *repetition* in the abſtract could do, has been at the pains of compiling an *Ode*, not only without ſenſe or poetry, but full of the moſt diſpleaſing and inapplicable images; and then, by an enchantment of voice and attitude, only peculiar to himſelf, he robs nonſenſe of its dulneſs, and impropriety of its defects, merely to convince us of a feature in his character we were not before acquainted with, *that whatever he repeats, requires no collateral aſſiſtance*.

For a proof of this, I ſhall refer the judicious reader to the *Ode* itſelf, and the generality to the Eſſays of Longinus, publiſhed ſome time ſince, reſerving to myſelf two particular paſſages in that performance, which put this aſſertion beyond the line of doubt.

When

When Mr. Garrick intended to oblige the public with this laſt effort of his genius, he determined to apply to Cambridge or Oxford for an Ode, but afterwards conſidering, that neither of theſe ancient ſeminaries could, probably, produce one *dull* enough for his purpoſe, he declined the requeſt, and, knowing the force of his powers, ſat down to one himſelf. How far he has ſucceeded, his own words beſt explain, when he very candidly tells you,

——————" his notes reveal
" At once the *weakeſt* numbers, and the *warmeſt* zeal."

As an inſtance of his merit in alluſion, let us obſerve the following.—Speaking how Shakeſpeare's mind came to be impregnated, he ſays,

" With kindling cheeks, and ſparkling eyes,
" Surrounded thus the Bard in tranſport dies.
" The little LOVES, like *bees*,
" Cluſtring and climbing up his knees,
" His brows with roſes bind."

Now, in the wide extent of imagination, a more inapt image poſſibly could not ſtrike the mind of man, and I will appeal, even to an Hibernian lover, whether he could muſter up effrontery ſufficient to tell his miſtreſs, there were *bees* in her *eyes* or dimples; yet our great Roſcius, like a magician, coaxes them up his knees, with ſuch faſcinating expreſſion of attitude, that, during his *repetition*, the beſt bred woman in the boxes looks upon them as little ſportive Cupids.—There is one general line of compariſon, however, I muſt confeſs, between *loves* and *bees*, that they have both ſtings—but this inſtantly falls to the ground, when we conſider the one is pleaſing, and the other painful.

The only apology I have to make for troubling the public with theſe critiques on an actor, that has been ſo much applauded for near theſe thirty years paſt, is my ambition to add my mite to his general praiſe, by holding up one ſpecies of his merit which he has never been complimented on—*that of making nonſenſe agreeable*; and, I am confident, that could Dr. Swift have foreſeen, that this Ode would ever make its appearance, he would never have been at the pains of writing his

love

love ſong in a modern taſte, by a perſon of quality, (as a proof how muſic will ſupercede the force of ſentiment) as Mr. Garrick, with the aſſiſtance of Dr. *Arne*, has ſo ſuperiorly convinced the world of its certainty.

For the LONDON MUSEUM.

ORIGINAL POETRY.

THE PETTICOAT ADMINISTRATION.

Peace, idiot man, WOMAN *ſhall ever rule;*
How oft to her, you've prov'd yourſelf a fool.

LONG have the men triumphant reign'd,
Over this giddy nation;
But, neither law or truth maintain'd,
Tho' each maintain'd his ſtation.

In government there is no truth,
Lord Egmont ſwears odd rat 'em,
'Tis prov'd by Jemmy Twitcher's mouth,
And by the Earl of Chatham.

The outs they rail at thoſe who're in;
The inns at thoſe who're out:
Whigs roar to-day for Wilkes and Glynn,
And then for John of Bute

No cod-ſmack ſhifts her ſails ſo quick,
Nor makes ſo many tacks:
They lie, they ſwear, at nothing ſtick,
At Arthur's or Almack's.

The ribband I this day had given,
'Twas yeſterday to two;
To morrow 'twill be hung on ſeven,
And then, the Lord knows how.

Away with *ſalique* law and rule;
Why, give it to our war-ſons?
Inſtead of dangling on a fool—
Pray hang it on Miſs Parſons.

But now, to cut the matter ſhort,
Grieve not that all are mad,
When lying is the maſter's *fort*,
Servants will be as bad.

there-

I therefore to the world propoſe,
No more of Wilkes and Bute,
Let them be friends, who've long been foes,
In *Air* Sir Fletcher mute.

Senate! attend; I have a plan
Drawn up by hands not common;
That government may end in Man,
And now commence in Woman.

I think I ſee the ſtateſman ſtare,
The law and clergy ſpar,
While ſoldiers bend unto the fair,
And like the ſofter war.

I know no man dare diſapprove
The plan which now I draw;
CHARLOTTE, ſhe is the Queen we love,
Of England and her law.

G——n the preſident ſhall be
Of council, for ſhe's able;
Then you'll have cards and Burgundy,
Down to the chaplain's table.

The treaſury let King——n take;
Yet, that is ſcarce enough
Two paltry fireworks to make,
And buy her pins and ſnuff.

Thy daughters Har——n and thee,
What little poſt will charm ye?
The navy treaſurer one ſhall be,
The other pay the army.

North——d maſter of the horſe
Aſtride ſhall nobly paſs;
And to help out her gen'rous purſe,
Shew too the Queen's fine aſs.

One for the houſhold we muſt find,
There Ch—d—s let us hitch in;
She's of a plain and homely mind,
And fit to fill a kitchen.

Th' exchequer, who's ſo fit to grace
As lovely Mrs. P—t;
Eſpecially ſince ſhe's out place,
And loves to pick a bit.

Sweet lady Sarah, ſhe ſhall rule
Where ſhe can move and feel;
She ſhall command each am'rous fool,
And have the privy ſeal.

Let's

Let's for a Lord Chief Juſtice look—
What for the Common Pleas?
There ſhove my lady B—l—b—ke,
She can divorce with eaſe.

Poor lady V—e, I'm much afraid
Penſion or place can't hold;
Unleſs 'tis at the board of trade,
And ſhe's for trade too old.

If Richmond's ranger will but pleaſe
Great lady E——e's rigg,
Let her plough up the Park for peaſe
To feed her fav'rite pig.

For maids of honour, we muſt chuſe
Men who are ſtrong and ſtout;
When ladies call that won't refuſe,
Nor ſlur what they're about.

Earl P—y then ſhall take the lead,
That man of muckle might;
Sprung from old chevy-chace's breed
And form'd for love's delight.

Sweet Lady P—y ſhall no more
Complain of loveleſs nights;
Her gentle ſpouſe ſhall be turn'd o'er
For am'rous court delights.

M—e, V——s, A——, and Lord C—k,
Shall cloſe this ſmirking train;
Well made for maid's of honour work,
Too delicate for pain.

Now, let us fill three holy ſees,
Sobriety can't ſlur 'em,
Women can pray with as much eaſe
As Briſtol, York, or Durham.

V—ſi—t, St—h—e, A—er, now
Supply thoſe holy places:
Cards to the chaplains pray allow,
But diſavow all graces.

For praying and religion too
Have got at ſuch a top,
We're loſt, unleſs your doctrine new,
To goodneſs puts a ſtop.

Old Can——y ſhall not have
A 'tiſſicky old grunter;
With one foot ſinking in the grave,
While we've a Kitty H—er.

Pem-

Pem——e, ſo well on honor writes,
Muſt ſermons make in plenty ;
They'll paſs your time 'tween meals and White's,
His doctrine will relent ye.

Old Lady Huntingdon, no more
Shall be reſorted to ;
Who won't quit Satan and threeſcore,
For Heaven in twenty-two.

Sweet Biſhop Kitty, when you pray,
Who will refuſe to kneel ?
You will reduce each ſon of clay,
Though he were ſtiff as ſteel.

For London, one both wiſe and grave
Muſt be, yet ſoft and barren ;
Sir George we muſt your goodneſs crave,
To ſpare us Biſhop Warren.

To one I'll give the Admiralty,
Who'll rule it with a nod :
She ſhall an Amphitrite be,
And rule each liquid god.

Earl P—y's lady there ſhall reign,
Per terram et per mare,
And make our ſea-gulls ſtill remain
The gallant aves raræ.

As for the reſt, I wou'd'nt place
Under their ſkill a ſkuller ;
Pray do you think old Neptune's face,
Was ever ſeen by Buller ?

Who can controul the navy board,
Like Kn—b—es ſweet, fair, and gay ;
With captains ſhe will then be ſtor'd,
And prick them of their pay.

The wond'rous wiſe Sir Thomas Slade,
Who other's genius mocks,
Shall fly to Madam Ben—k's aid,
To make chain-pumps and blocks.

Fair H—n—y, C—l—r, B——by,
Shall roll in routs and cards ;
They ſhall the three ſurveyor's be
Of all the royal yards.

For poet laureat we muſt chuſe
A wench behind the curtain ;
An am'rous, incoherent muſe,
A Phillippina Burton.

For ſecretaries of the ſtate,
By heavens I'll find a ſcore,
Wiſer and of a higher date,
Than any men in ſtore.

M'CAULAY, firſt department grace,
Lennox ſhall then come a'ter:
If ye want Greek in ſuch a place,
What think ye of Miſs Carter?

Now Ireland's Lord Lieutenant make!
A ſpendthriſt ſhe muſt be,
A giddy, gambling, gallant rake
And Lady A—b—e ſhe.

For this, good doctor, I'll be bail;
She cannot be revil'd,
For if the men at court ſhou'd fail,
She'll get you all with child.

For Mrs. Gibſon, who's ſo wiſe,
Her parts have no deception;
For youth and age ſhe will ſuffice,
And pleaſe with quick conception.

O! ſhe will give ye ſpecial ſport,
What nurſes ſhall we need;
What cradles then will wag at court,
To huſh this pretty breed.

Let L——ham command a fleet,
Boſcawen taught her how;
And ſince ſhe did the admiral beat,
The French ſhe muſt, you know.

To fight like ſome's an eaſy trade,
Our arms let G——r lead!
She'd trim ten like the Orlean maid,
Or Lord George Sackville's breed.

One ſhall command our horſe, won't flinch,
Well known to every trooper;
In charging ſhe'll not loſe an inch,
I'll warrant Lucy Cooper.

If ye approve this little ſketch,
I'll end all perturbation;
And with the aid of good Jack Ketch,
Will calm this frantick nation.

Molly Machiavel.

For

For the LONDON MUSEUM.

ADVERTISEMENT.

Among many other ſurpriſing inſtances of Scipio's *humanity, the following is not the leaſt remarkable. Upon the taking of New* Carthage *in Spain, when* Scipio *was but twenty-four years of age, there was among the captives a young lady of diſtinguiſhed beauty, who, by the laws of war, was his indiſputable prize. But, upon enquiry, finding that ſhe had been eſpouſed to a prince of the country, who was himſelf alſo a captive, and in the laſt agonies of deſpair on her account, the noble* Roman *reſtored her unviolated to her huſband, and her huſband to his liberty and kingdom; for which unparalleled act of humanity, his memory is ſo deſervedly celebrated, and almoſt adored, by all ſucceeding ages.*

HUMANITY. *An* ODE.

I.

SEE yon angelic face,
With genuine luſtre ſhine;
I cou'd with tranſport ever gaze
Upon the form divine.

The thrice-illuſtrious maid,
In native charms array'd
No decoration needs;
An ever-conſtant foe
To glitt'ring pomp, and ſhow,
In words as well as deeds.

She ne'er can ſee a wretch in pain,
But guſhing ſorrows flow;
Nor does the tender nymph diſdain
To weep another's woe.

She, when kind fortune o'er our woe prevails,
To wear the ſmiles of ſympathy is known;
Nor joy, nor grief, the human heart aſſails,
But ſhe ſtill makes each joy, each grief, her own;
In every nation, clime, and age, the ſame;
Unlimited her praiſe, *Humanity* her name.

II.

Where uncontroul'd chill winter reigns,
And binds the glebe in icy chains,
The ardent fires of her affections glow;
Where *Sol* emits indignant rays,
And ſcorching heat to earth conveys,
The cooling *Zephyrs* of her goodneſs blow.

No region can her clemency confine,
Nor country her benignity reſtrain;
No ſeaſon check her generous deſign,
Nor limits her benevolence contain.

She, like the ſun, with undiſtinguiſh'd beams,
Pours forth on all exhilarating gleams,
And foſt'ring influence ſheds;
Diſtreſs ſhe viſits with relieving hands,
She, like the heav'ns, her bounteous veil expands,
And all mankind o'erſpreads.

Of ſect and party ſhe diſclaims
The narrow bounds, and odious names;
But univerſal harmony purſues;
All unconfin'd, with free embrace,
She comprehends;—the human race
With pitying eye impartially ſhe views;
With equal ear ſhe hears the cries of all;
Enough for her that wants, for her aſſiſtance call.

III.

Ten thouſand matchleſs charms we find
In her united and combin'd.
In her capacious ſoul we ſee
The graces all concenter and agree.

No talents can avail
Unguided by her ray;
Without her all endowments fail,
Droop, wither, and decay.

Pale envy, pining at another's weal,
She never yet admitted for a gueſt;
Nor cou'd ſuſpicion ever yet conceal
Her canker'd head within the virgin's breaſt.

Here fell detraction, hideous fiend,
Admiſſion never gain'd;
Here injur'd merit ever finds a friend,
Is ever entertain'd.

When ſhe within no longer ſhines,
In reaſon's eye, external beauties fade;
The radiance of the brighteſt parts declines,
And dwindles to a ſhade.

If, forc'd by vice, ſhe hides her face,
Fair honour ſinks to foul diſgrace,
Rare flowers to vileſt weeds:
Dominion turns to lawleſs ſway,
Zeal ſtoops each bigot to obey,
Wild anarchy ſucceeds.

Reli-

Religion's widely-celebrated fame,
Without her aid divine, is nothing but a name.

IV.

With her immortal charms
  Was the brave *Roman* won,
Who ſtood invincible in arms,
  Like great *Bellona*'s ſon.

The meek-eyed goddeſs from afar
Deſcry'd this *thunder-bolt of war*,
  Amid the martial train;
Of her approach the wond'ring crowd
Applaud the mild effects aloud,
  But ſeek the cauſe in vain.

With look ſerene, ſhe caught the Heroe's eye;
  Of all its terror ſoon his brow diſarm'd;
With gentle ſteps, and mildeſt mien drew nigh;
  And all his breaſt with kind compaſſion warm'd.

Before her face vindictive rage expir'd,
  Each tender paſſion ſeiz'd his ſoul;
  There, pity reign'd without controul,
While each oppreſſive thought in haſte retir'd,
And ſentiments divine the godlike man inſpir'd.

V.

The faireſt piece that nature's eaſy hand
  E'er form'd, or ſofteſt pencil ever drew,
See here (diſtreſsful ſight!) a captive ſtand,
  Trembling and pale amid the martial crew:

That more than mortal luſtre of her eyes,
Deſtin'd, alas! to be the victor's prize,
  Without concern what *ſtoic* can ſurvey?
To ſee thoſe tears in endleſs torrents flow,
Expreſſive emblem of her ceaſeleſs woe,
  Ev'n apathy ſenſation muſt betray.

What glimpſe of hope for her remains?
Her hapleſs lover ſee in chains;
  The pow'rful prince no more!
Hear him, regardleſs of *his own*,
Affected with her fate alone,
  In loud laments her miſery deplore!

" My kingdom loſt by heav'n's ſevere decree!
" But what are *kingdoms*, what are *worlds* to thee?
" I pleas'd would bear, wou'd hug, the galling chain,
" Cou'd that, my love, thy liberty regain.
" But I deſpair; O ſnatch, ye fates, my breath;
" Yield me the ſad, the ſure, the laſt relief of death."

Grief's

VI.

Grief's mournful accents reach the heroe's ear,
It's various forms affect his pitying eye;
And hence his fame far greater will appear,
Than that before him, mighty armies fly.

Victorious o'er each ſtubborn foe
In Mars' tremend'ous fields,
Now vanquiſh'd by this ſcene of woe
His heart to pity yields.

Heaven's! how the victor charms the liſt'ning throng!
From coldeſt hearts what warm applauſe,
Unſought, each flowing period draws;
Mild as the man, and as the warrior ſtrong!

" No, no, my friends! I ever ſhall diſdain
" A pleaſure purchas'd with another's pain.
" Let not a veil be o'er my glory drawn,
" And check it's ſplendor in it's very dawn.
" O prince, ſo bleſt with fortune's ſmiles ſo late,
" Now doom'd to know this ſad reverſe of fate,
" By *war's* decree, this beauteous nymph is mine,
" Thy promis'd bride, whoſe charms are all divine,
" With whom I cou'd, in *Hymen*'s ſacred bands,
" Enraptur'd join my heart as well as hands;
" But love ſtands check'd, *Humanity* preſides
" O'er each warm wiſh, and ev'ry paſſion guides;
" I feel her influence, own her ſov'reign ſway,
" And ever ſhall her mild commands obey:
" And while the goddeſs bids me to refrain,
" Youth ſues unheard, and love ſhall plead in vain.
" With triumphs pleas'd, yet ſway'd by mercy more,
" I quell to free, and conquer to reſtore.
" The pitying fates avert th' impending ſtroke,
" And war's decrees in mildeſt ſtrains revoke.
" Brave prince, in chains no longer doom'd to pine,
" Thy freedom, kingdom, bride and all, are thine;
" And while thy eyes ſurvey theſe heav'nly charms,
" Be ſtill a friend to *Rome*'s victorious arms."

He ceas'd; the dome with acclamations rung;
Of ſuch unrival'd goodneſs the ſurpriſe,
With peals of praiſes, fill'd the diſtant ſkies;
The pleaſing theme of ev'ry gentle tongue.
The *Heroe's* deeds ſoon reach'd the ſtarry frame,
Admiring ages ſhall record his name,
And jarring nations join to celebrate his fame.

The

VII.

The northern *Bears* ſhall quit the *pole*,
And drop into the main;
The wheels of time forget to roll,
And *Chaos* mount his ancient throne again;
Ere thy fair deeds ſhall in oblivion rot,
Or envy's tooth obliterate thy name;
Ere thy due praiſe, great *Scipio*, is forgot,
Or ſtands the ſecond in the rolls of fame.

In *Livy*'s worth-recording page,
Tranſmitted down thro' ev'ry age,
Thy deathleſs virtues ſhine;
Superior to great *Maro's* lays,
Expreſſion ſinks beneath thy praiſe,
Beneath thy deeds divine!

Thy great exploits *Fame*'s trumpet ſhall rehearſe,
While both the poles re-echo to the ſound;
Theſe bards ſhall ſing in many a deathleſs verſe,
And for th' attempt for ever be renown'd.

Extending *Science*, on her eagle-wings,
To *Lybian* ſhores thy ſtory ſhall convey;
Fez ſhall receive the preſent which ſhe brings,
And joy to read her ſavage ſoul away.

India ſhall trace the features of thy mind,
And in the act imbibe tranſmuting fire;
Each paſſion thence, each mental pow'r, refin'd,
To thy fair fame ſhe nobly ſhall aſpire.

Thoſe valiant ſouls, whom martial glory warms,
Thy monuments inſatiably explore;
Scipio the *Great*, th' invincible in arms,
The ſons of *Mars* from age to age adore;
But the *humane* ſhall live, when *Mars* ſhall be no more.

For the LONDON MUSEUM.

EPIGRAM.

The *difference* between the TWO HOUSES.

IN every houſe ſome difference you will ſee,
While *Drury*'s peace, and joy, and *jubilee*:
HARRIS'D with ſtern debate, contentious ſtrife,
Covent is Cat and Dog, and *Man and Wife*.

MERCUTIO.

For

For the LONDON MUSEUM.

THE following lines have been handed about in manuſcript, and are ſaid to be the production of a deſcendant of the late Sir Charles Hanbury Williams.

On the much lamented death of WILLIAM, late DUKE of DEVONSHIRE.

By a LADY.

IN life moſt valued, and in death moſt dear,
Of line illuſtrious, and in honour clear,
Here reſts thy duſt, with anceſtors whoſe worth
Was noble, and unſpotted as their birth.
With their reſpected names we thine enrol,
And Fame ſhall waft the liſt from Pole to Pole;
The friends of Liberty, and Virtue's cauſe,
True to our faith, our freedom, and our laws.
Even in this factious and degenerate age,
Sharpen'd with all the gall of party rage,
Malice, in vain at him her ſhaft let fly,
The envenom'd arrow paſs'd unheeded by:
For ſee around with wings unſullied ſpread,
Fame watchful hover'd o'er her favourite's head,
While Virtue reign'd triumphant in his heart,
And mock'd with conſcious ſmiles the traitor's art;
Around her throne her fav'rite handmaids move,
Candour, benevolence, and ſocial love,
Their rays begun in his mild aſpect ſhone,
And from each virtuous mind applauſes won.
That ſuch he was, his foes muſt own, is true,
And reverence virtues which they never knew:
That ſuch he was, his actions beſt relate,
While friends, in ſilence, weep his early fate:
That ſuch he was, and that he is no more,
England and Virtue's friends ſhall long deplore.
Alas! in Engliſh annals, what a ſtain,
A blot indelible in George's reign.
For Scots too loyal, favourites too ſincere,
He died an exile from his Sov'reign's ear.

When


BRITISH MUSEUM
6
56
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LORD CHANCELLOR SOMERS

T. Lodge sculp.



LORD CHANCELLOR CAMDEN

THE
LONDON MUSEUM
For FEBRUARY 1770.

For the LONDON MUSEUM.

The following is an accurate Copy of the LORDS' PROTEST, *in Ireland, againſt the late Bill for augmenting the Army in that Kingdom.*

Die Sabbati, 23 Decembris, 1769.

A Bill intitled, an act for granting to his Majeſty the ſeveral duties, rates, impoſitions, &c. *being read a third time, the queſtion was put,* Whether this bill ſhall paſs?

It was reſolved in the affirmative.

Diſſentient,

1ſt. BECAUSE we conceive that the propoſition of an augmentation is altered in form, not in fact, and becauſe it was not to the appearance, but to the ſubſtance and body of the meaſure that we gave our negative laſt ſeſſion.

2dly, Becauſe when we reflect upon the ability and numbers of the people of Ireland, we think it will be a very extraordinary exertion in the time of peace, to increaſe our army to within 2000 men of the peace eſtabliſhment of Great-Britain.

3dly, Becauſe we cannot help conſidering an increaſe of a ſtanding army in Ireland, as a dangerous engine in the hands of an Engliſh miniſter.



LORD CHANCELLOR SOMERS

J. Lodge sculp.



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2dly, Becauſe when we reflect upon the ability and numbers of the people of Ireland, we think it will be a very extraordinary exertion in the time of peace, to increaſe our army to within 2000 men of the peace eſtabliſhment of Great-Britain.

3dly, Becauſe we cannot help conſidering an increaſe of a ſtanding army in Ireland, as a dangerous engine in the hands of an Engliſh miniſter.

4thly, Becauſe it was this reaſon that induced the Engliſh Legiſlature in the year 1699, to limit the troops in Ireland to 12000 men, againſt the expreſs wiſh of their Deliverer.

5thly, Becauſe when the fears of men ſolicited an augmentation of the Iriſh army in the year 1745, by the wiſe and diſintereſted repreſentations of the chief governor, the earl of Cheſterfield, it was laid aſide in the Houſe of Commons.

6thly, Becauſe this tranſaction has been conſidered as peculiarly laudable in the unparallelled adminiſtration of that incomparable nobleman.

7thly, Becauſe if time and experience have verified the ſegacity of thoſe reaſons, and ſhewn that there was no neceſſity for more than 12000 men, in the times immediately ſubſequent to the revolution, nor in thoſe of a Scotch rebellion, we cannot conceive it expedient now, when the late belligerent powers of the Weſtern parts of Europe are lulled into the moſt profound peace and ſecurity.

8thly, Becauſe from an uſe that was made of a part of the Iriſh army in North-America, immediately after the late propoſal of an augmentation, we are apprehenſive of a deſign of adminiſtration, extremely injurious to the great commercial intereſts of the Britiſh empire.

9thly, Becauſe upon the whole, we conceive that this meaſure will be dangerous.—A two-edged ſword placed in the hands of an Engliſh miniſter, between the liberties of Great-Britain and Ireland.—Dangerous to our fellow-ſubjects in America.—Detrimental to the good underſtanding, which will, we hope, ever ſubſiſt between the two kingdoms.—Extending the influence of prerogative.—Enlarging a devouring, increaſing expence upon the people of Ireland.—An inadequate defence.—Preventive, as a bad ſubſtitute, of the only true, inalienable, conſtitutional, comprehenſive defence, a national militia.

10thly, For theſe reaſons, we have thought it our duty to tranſmit our reaſons to the public and to our ſucceſſors. And, becauſe, laſtly, we cannot help anticipating many evils in our minds, from an increaſe of the ſtanding army, which we pray God the Britiſh empire and poſterity may never feel.

MOUNTMORRES,
LONGFORD.

For

For the LONDON MUSEUM.

New-York, Dec. 13, 1769.

THE following is the ſpeech of Mr. Juſtice Livingſton to the Aſſembly of New-York, who had taken upon them to exclude him from his ſeat in that aſſembly. It is curious at this time, becauſe the arguments he makes uſe of are ſimilar to thoſe in defence of the county of Middleſex.

Your's F. H.

The Addreſs of Mr. Juſtice Livingſton to the Houſe of Aſſembly, in ſupport of his right to a ſeat.

Preface by the New York Editor.

WHEN the colonies are ſtruggling for their liberties, the publication of the following thoughts upon a ſubject of the utmoſt conſequence to the people, will doubtleſs be acceptable to all the real ſons of freedom—Whether the aſſembly's refuſal, to admit Judge Livingſton, to a ſeat in the Houſe, is juſtifiable by law and the principles of our moſt excellent conſtitution, I ſhall not pronounce; every man is left to his own judgment.——I was preſent when he aſſerted and maintained his claim:—The doors of this Houſe are open to all; and as it is now underſtood to be the right of the people to inſpect the conduct of thoſe they have ſent to act for them, it follows by conſequence, that the diſcloſing to others what is there ſeen and heard, is equally the right of every obſerver. The public may be aſſured, that what is now offered as the Judge's ſpeech, is in ſubſtance what was really delivered by his Honour.——It may not be amiſs to inform the public, that Mr. Philip Livingſton, was returned the laſt ſeſſions for the manor; that he was diſmiſſed on account of his non-reſidency, by virtue of an old act of aſſembly, which had been diſuſed for a great number of years: that after his diſmiſſion, a writ was iſſued for a new election; that a few days before the election of Mr. Juſtice Livingſton, *(the manor being unrepreſented)* a *vote* paſſed for the excluſion of

Judges of the *ſupreme court* from a ſeat in the Houſe. Mr. Livingſton was elected at the preſent ſeſſions, preſented his indentures, which were read ; and this queſtion being put by the ſpeaker, " Whether it was agreeable to the Houſe, that two members ſhould wait on one of the commiſſioners appointed to qualify the repreſentatives to ſerve in the preſent general aſſembly, and ſee Mr. Livingſton qualified ?"——But before this queſtion was determined, Mr. De Noyellis, moved in words following, " I move, that the queſtion be put, Whether this Houſe will enter into examining the propriety of the reſolution, entered on their journals the laſt ſeſſions, againſt judges of the ſupreme court, or no ?"——He was ſeconded by Mr. Delancey :—The previous queſtion was then put,—not carried. Mr. De Noyellis's motion being put, was carried.—After which Mr. Livingſton, having obtained leave to ſpeak, delivered himſelf as follows :

Mr. Speaker,

WHEN I conſider the ſubject now to be debated before this honourable Houſe, merely with reſpect to myſelf, I conſider it as a matter almoſt too trifling to deſerve their notice : but when I conſider it as it affects my conſtituents, as it affects the conſtitution, as it affects the privileges of every freeholder of this colony—I conſider it as the moſt important point that was ever determined by this or any other court : and therefore I ſhall ſpeak to it, conceiving myſelf juſtly intitled to a ſeat in this Houſe, with all that freedom which becomes a member of this Houſe ; and which he ought to uſe on ſo intereſting an occaſion. I do not appear here Mr. Speaker, to ſolicit a favour, which this Houſe may at their option grant or refuſe.—I am too well acquainted with the nature of the truſt repoſed in them, to think that they can conſiſtently grant favours of this ſort. What I now aſk, I aſk as a matter of right,—the right of repreſentation, is in its own nature prior to, and the foundation of every power that this Houſe can legally exert : if then this right is deſtroyed, that foundation is ſapped upon which the whole ſuperſtructure of your authority is raiſed ;——and we muſt either be the ſlaves of a deſpotic government, or involved in the confuſion of anarchy.

Theſe

Theſe truths want no arguments to ſupport them, they are evident and familiar to all who have the ſlighteſt idea of the conſtitution : and therefore in this Houſe, where it is every man's peculiar buſineſs to be acquainted with, and guard our privileges, it will be unneceſſary for me to attempt to prove what none preſent will pretend to deny.——As this Houſe cannot grant favours of this nature ; ſo neither can they deny rights.

That they are the proper judges of their members, will not be diſputed ; nor can it be denied, that there is an evident diſtinction between a judge and a legiſlature : the legiſlature may in ſome meaſure be ſaid to be omnipotent ; it has the power of enacting, repealing, and altering the laws.——Yet even this power, if it can be bounded at all, ought then to be bounded when it attempts to reſtrain our right of election : For this is the fountain from whence our liberties flow, and the fortreſs by which they are ſecured.——

Yet whatever a legiſlature may do, judges can have no right to alter, but muſt be guided by the laws.—This Houſe is the only court by which a right to a ſeat in this Houſe is to be determined. The conſtitution has made you the ſole and uncontroulable judges of the matter.——The other branches of the legiſlature may not interfere in a point of this importance ; otherwiſe the independence of the Houſe could not be maintained. As judges therefore, your determination is without appeal.——The ſuitors, who imagine themſelves injured by your decree, can look for redreſs only in a diſſolution of this Houſe, and the ſentiments of the people at a new election : but does it follow from thence, that you are at liberty to determine contrary to law ? Far from us, from every one of us, be ſo dangerous a thought. So far is this from being the caſe, that it lays the Houſe under the ſtrongeſt obligation to determine according to law.

The Houſe of Lords in England are the laſt reſort in all matters of property : their determination is final. But will any man ſay, that becauſe there is no appeal from them, that their determination ſhould be arbitrary ? Don't every man ſee at firſt view, that if they would retain that high power and honourable truſt, they muſt on that very account, becauſe their determinations are final, have a particular regard to the

laws

laws of the community; and this I hope to experience in the determination of this honourable Houſe, on the important point now before them: wherefore, I am confident, I need do no more to obtain my ſeat, and ſecure to my conſtituents their undoubted right of being repreſented by the perſon they have freely choſen, than to ſhew.

I. That the manor of Livingſton, has a right to ſend a repreſentative to this Houſe.

II. That in conſequence of that right, I was legally choſen.

III. That there is no law diſqualifying me.

IV. That the vote made for that purpoſe, is illegal, and conſequently that no regard ought to be paid to it, either by the electors, the perſon choſen, or this Houſe, to whom is intruſted the ſacred power of judging in caſes of this kind; and when theſe points are fully and clearly made to appear, I ſhall confidently hope I may immediately take my ſeat.

I. That the manor of Livingſton has a right to ſend a repreſentative to this Houſe, I think will admit of no diſpute.

The right of the ſeveral counties to ſend repreſentatives, depends ſolely on cuſtom. No other can moſt of them at leaſt ſhew but *this*, on this the right of the city to ſend four members, and the other counties to ſend two members, entirely depends. The manor of Livingſton's right is ſupported by the ſame, and, with reſpect to the infancy of this colony, an antient cuſtom; and beſides it has the King's patent.——Theſe foundations I hope no body that is a friend to order and government, and an enemy to anarchy and confuſion, will attempt to overturn. [Here the ſpeaker interrupted Mr. Livingſton, and ſaid, that the right of the manor and the legality of his election were not diſputed,—to which the Houſe aſſenting, he proceeded.] Since then the right of the manor, and the legality of my election are not diſputed, I ſhall proceed to ſhew, in the third place, that,

III. There is no law or uſage diſqualifying me. I am told that there is an authority in *Lex Parliamentaria*, relied on; which, as it is the only foundation of the extraordinary vote paſſed laſt ſeſſion, I ſhall take notice of; the authority is in theſe words, "None of the Judges of the King's-Bench, "Common Pleas, or Barons of the Exchequer, can be choſen

"Knight,

" Knight, Citizen, or Burgeſs of Parliament, as it is *now* " *holden, becauſe they are aſſiſtants in the Houſe of Lords.*"

This ſuppoſition is founded only on the reaſon there mentioned; and therefore it muſt be altogether inapplicable where that reaſon does not exiſt. The words themſelves, " *as it* " *is now holden*," indicate but a weak authority at beſt: to ſhew clearly that thoſe judges have no right to ſit in the Houſe of Commons, it would be neceſſary to ſhew antient uſage for the rejection of the judges, or that they were diſqualified by act of Parliament; but nothing of this ſort appears. I can't help being of opinion, that if one of thoſe judges was choſen, he would be received in the Houſe, notwithſtanding this authority, and that the Houſe of Lords would diſpenſe with his attendance: this authority ſeems to be taken from my Lord Coke, in 4 Inſt. Page 47. " His words are theſe, " None of the Judges of the King's " Bench, Common Pleas, or Barons of the Exchequer, " that have judicial places, can be Knight, Citizen, or " Burgeſs of Parliament, *as it is now holden*, becauſe " they be aſſiſtants in the Lords' Houſe: And yet you " may read in Parliament Roll, A. 31, H. C. that Thorp Ba- " ron, of the Exchequer, was Speaker of the Parliament. But " any other that have judicial places in the Court of Wards, " Court of Dutchy, or other Courts eccleſiaſtical or civil, " being *no Lord of Parliament*, are eligible." Here is at leaſt one authority for a judge's ſitting in Parliament; and there is nothing againſt it but a popular vague opinion, that as they are Lords of Parliament, Aſſiſtants in the Houſe of Lords, they are diſqualified: But though this opinion ſhould be held never ſo inconteſtible, does it follow, that the judges here are diſqualified? far from it: it is rather an authority, and a very ſtrong one, in their favour; for it is well known, that we are not aſſiſtants in Council; but that the *Council doors are ſhut againſt the Judges, as well as againſt every other perſon*; and conſequently it would be the opinion of both theſe authors, had they been conſulted on the qualifications of members of our aſſembly, that the being a judge and no counſellor, nor an aſſiſtant in council, would not be a diſqualification.

As there is no law diſqualifying, ſo there is no *uſage*: ſeveral judges of the ſupreme court have ſat in this Houſe before I had that honour; Chief Juſtice Morris, Juſtice Philips,

lips, Juſtice Jones, while he was ſpeaker of the Houſe, was made a judge, by the Lt. Gov. Delancey; and continued his ſeat afterwards, without the leaſt objection. Will it be ſaid here, will my oppoſers ſay, that Mr. Delancey was not a friend to the liberties of this country, or that he did not underſtand the conſtitution? I am ſure he did not deſign to deprive the ſpeaker of his ſeat; I have had myſelf a ſeat here, for three years after his excellency Governor Monckton, honoured me with my commiſſion; and I dare ſay, your journal will furniſh other inſtances. All the while I was in the Houſe, this book, *Lex Parliamentaria*, lay on the table, and for many years before and after: a thouſand times hath it been thumbed over, both while judges were, and while they were not in the Houſe: and yet this objection never was raiſed; how it comes now to throw ſuch new light on the ſubject, juſt when an apprehenſion prevailed, that upon Mr. Philip Livingſton's expulſion, I ſhould probably be returned, I know not; but of this I am certain, that ever before this, it muſt have been looked on in the light I have conſidered it, as a ſtrong authority to ſhew, that the commiſſion of a judge who was not a counſellor, or an aſſiſtant to the council, was no diſqualification.

It is not only in this colony, but in every one of the neighbouring colonies, that judges ſit in their ſeveral Houſes of Repreſentatives: nor ever, before this, did I hear an objection ſo much as whiſpered againſt their undoubted right to ſit.

IV. Having now fully and clearly ſhewn (as I hope) to the entire ſatisfaction of this Houſe, that there is no law diſqualifying me; and on the contrary, that I have the authority of my Lord Chief Juſtice Coke in my favour; and obſerved, that by the conſtant cuſtom of this and the neighbouring colonies, judges have ever been admitted; I am next to conſider, whether the vote paſſed laſt ſeſſions, does deprive my conſtituents of their right to my ſervices in this Houſe.

This is a queſtion of ſuch importance, as muſt call for the attention of every man who has the leaſt regard to liberty, or love for our happy conſtitution.

By the Engliſh conſtitution, the legiſlature conſiſts of three branches, the King, Lords, and Commons. No laws can be made by any of theſe branches without the concurrence

of

of the other two, or by any two without the concurrence of the third.

In this province we have a ſimilar conſtitution: we have a delegation of the King's power, in his repreſentative our governor; we have the reſemblance of the Houſe of Commons, in our aſſembly; and tho' we have no perfect reſemblance of the Houſe of Lords, there being no perſons in our government who have a ſhare in the legiſlature in their own right, yet we have the form of a Houſe of Lords; it is in our council. Theſe three together compoſe our legiſlature: neither of theſe ſingly, nor any two of them, can repeal or alter our laws; whenever they attempt it, they attempt a uſurpation, and the people have a right to diſobey.

Hence it follows, that if before this vote, any county, manor, or borough, had a right to chuſe one of the judges for their repreſentative, the ſame right remains afterwards; for, by a vote of the General Aſſembly, the council, or by a proclamation of the governor, our laws cannot be altered, or our rights diminiſhed.

The equal diviſion of power between the ſeveral branches of our legiſlature, is a grand ſecurity to the liberty of the ſubject: for each branch, watchful over their own rights, are a conſtant check on the encroachments of the other two; and by this happy balance, the conſtitution is preſerved: and therefore, it is the buſineſs of every man who is ſolicitous to maintain the liberty of the ſubject, to endeavour by every means in his power, to keep each within its bounds; which are better aſcertained and known now than before the revolution: before that, we may find the King aſſuming all powers into his hands, and acting more arbitrarily than perhaps any Prince pretends to do now, in the moſt deſpotic government in Europe; at another time we find the Lords contending with him for what they called Liberty, while the common people groaned under the oppreſſions of both: and at laſt we find the Commons aſſuming all power, turning the government into what was called a Common-wealth, though it was in effect a real *tyranny*, and annihilating the power of the Lords and King, aſſuming all power to themſelves: this was uſurping a power to make laws by their own votes, and obliging the people to ſubmit to them; nor would they have gone ſuch

lengths as they did, had they not begun with the very practice I am contending to be illegal, *by turning out of their Houſe all ſuch as refuſed to join them, till they had reduced the Houſe to a very ſmall number.* This government became ſo odious to the nation, that the people beheld with pleaſure the uſurpation of Oliver Cromwell, and when they again recovered their power, ſo gladly welcomed the return of the Royal Family, and the reſtoration of the kingly government, that they took no effectual meaſures for bounding the prerogative, which had in ſo many inſtances trampled upon the liberties of the people. The ſame abuſes of the Royal power, returning with the Stewart family, brought on the glorious revolution: ſince which, the powers of the ſeveral branches of the legiſlature have been better known. Our conſtitution in this government, took its riſe about the time of that ever memorable period; and from this time we are to ſeek for precedents which may be relied on, relating to the powers of the ſeveral branches of the legiſlature.

Since this period, I am poſitive, we ſhall find no attempts of the Houſe of Commons, to enact any thing by vote or ordinance.

It will be eaſy to convince this honourable Houſe, that ſince this period, the Houſe of Commons have not, though they are the ſole judges of their own members, aſſumed the power to regulate elections by their vote ſolely, or direct or declare who are or are not qualified to ſit in their Houſe; and the inſtances which may be brought before that time, are ſuch as ought never to be drawn into precedent, being made at a time when the conſtitution was altogether unſettled. It is well known, that every man and body of men, are deſirous of power; this is natural to humanity, for none fear the abuſe of power in their own hands, though they are extremely jealous of it in the hands of others; and this is peculiarly the character of the Houſe of Commons: their duty, here cooperates with nature, in obliging them to be ſo; and therefore we may poſitively aſſure ourſelves, that if they had imagined that they were veſted with the ſole power, of declaring who ought and ought not to ſit in their Houſe, they would not have divided that power, by ſending up ſeveral bills for that purpoſe, to the Houſe of Lords, deſiring their concurrence;

rence; at leaſt they would have been as jealous of thoſe bills, as of money bills; they would not have ſuffered the Lords to interfere by amendments, in what belonged ſo peculiarly to them; for every bill that they have paſſed for this purpoſe, is a tacit acknowledgment of a defect of power in themſelves.

I beg leave to enumerate a few of theſe:—5 and 6 William and Mary, chap. 20; 7 and 8 William III. chap. 25. No perſon under the age of twenty-one, ſhall be admitted to vote or to be elected a member. If the Houſe had a right to exclude, by a mere vote, it is not to be imagined that they would have thought a law neceſſary, to vacate the ſeat of an infant, who could not be qualified to diſpoſe of his own, much leſs of the property of others; nor would they have enacted, that, "No perſon born out of the King's dominions, though "naturalized, or made denizen, except born of Engliſh pa- "rents, ſhall be member of either houſe."—For if a vote (without the aid of an act) could at any time have the force of a law, it muſt when it denies a foreigner a privilege, that reaſon will tell us can only be properly demanded by Engliſh ſubjects.—For, were foreigners admitted to a ſhare in the legiſlation, how eaſy would it be for the French King, or any other foreign potentate, to have his emiſſaries in our Houſe of Commons,—who under pretence of enlarging our liberties, might ſubvert the conſtitution? or ſuppoſing them honeſt, yet their neceſſary ignorance of the conſtitution, and their attachment to the government under which they were educated, muſt render them very unfit repreſentatives of a free people.—(The ſame miſchief may be extended to the colonies if not timely prevented.) Yet I ſay, notwithſtanding all theſe obvious reaſons to juſtify the meaſure, they knew that a mere vote could never effect that ſalutary purpoſe; and therefore paſſed the above law. [*Here Mr. Livingſton obſerved on the ſeveral following laws, (2d Anne, chap. 4; 6 Anne, chap. 35; 7 Anne; 8 G. 2. chap. 6, 11, and 12; Wm. 3, chap. 3; 6 Anne, chap. 7; 1 G. 1 chap. 56; 15 G. 2 ch. 22; 9 Anne, chap. 5.) and then proceeded.*]

From theſe ſeveral acts, I think this concluſion may be fairly drawn, that the Houſe of Commons did not from the period I mention to this time, apprehend that they had a right to exclude by their own votes, any of the perſons there-

by incapacitated; otherwiſe they never would have given up ſo great a privilege. Theſe acts are not only a tacit acknowledgment of their want of power to exclude thoſe who were before the making of theſe laws eligible; but conſidering their tenaciouſneſs of power, they may juſtly be looked upon as an abſolute renunciation of all power of that ſort; for they could not be ignorant, if ever they ſhould hereafter pretend to ſuch a power, that this concluſion which I draw from them would be made.

The Houſe of Commons have indeed, in ſome few inſtances expelled ſcandalous and diſorderly members; and this power ſeems at ſome times neceſſary to ſupport the dignity of their Houſe, and to maintain order and decency; but this is a power vaſtly different from making a general rule or law to exclude a particular ſet of men; and how far even this power extends, is now warmly diſputed in England; and has given occaſion to diſſentions, which ſeem to ſhake the whole frame of government. It would have been well, perhaps, if the Houſe of Commons had bounded their power even in this reſpect, and conſidered a re-election of a perſon expelled, as a pardon by the people, whom he had offended in their repreſentatives; and ſo he being ſufficiently corrected for his offence, they might have received him, till he again, by ſome miſdemeanor, had forfeited his ſeat.

But a caſe of this nature differs widely from the point now under the conſideration of this honourable Houſe, which is this, Whether this Houſe has a legiſlative power; whether it is at their option to receive a member legally choſen, and not incapacitated by law from ſerving; and if this be determined in the affirmative, I will not heſitate to affirm, that the liberties of this country are at an end. The balance of power now divided into three branches, ſo neceſſary to the preſervation of freedom, is deſtroyed. All power muſt fall into the hands of, perhaps, a ſmall majority of a thin Houſe of Aſſembly, and one half of our colony will not be repreſented by the perſons whom they incline to chuſe: from theſe evils nothing can deliver us, but a ſteadfaſt reſolution in this Houſe, to determine, whenever they act as a court, as they only can do in caſes of this kind, to have, as they ought to have, and as all

courts

courts ought to have, a due regard to the laws of their country.—And if they have been hurried at the end of the laſt ſeſſions, when, by an excluſion of non-reſidents, the colony was not fully repreſented, to paſs a vote inconſiſtent with ſuch a conduct, as ſoon as poſſible to retract it: and in doing this, they will do more honour to themſelves and their integrity, than if they had never fallen into this error; and they will reeſtabliſh the liberties of their country, a foundation ſtone of which, has, by this means been removed. And here I will leave this important point, not in the leaſt doubting, that you will have a due regard to the laws, the cuſtoms, and the conſtitution of your country; of all which you are the guardians.

For the LONDON MUSEUM.

A CURIOUS POLITICAL ANECDOTE.

IT is well known, that Lord Bute ſuddenly left the continent, and paid a viſit to this kingdom *laſt autumn*; but the *true cauſe* of his Lordſhip's coming, is not generally known. It is curious; and you are at liberty to give it to the public, as follows.

When the differences between Lord Townſhend, as Lord Lieutenant of Ireland, and ſeveral of the great Lords of that kingdom became ſerious, the miniſters in England thought it neceſſary to change the Lord Lieutenant of Ireland. Upon which, the Duke of B—d—d went into his Majeſty's cloſet, and adviſed the ſending of Lord Sandwich in that capacity. The Duke of G—ft—n not approving of this recommendation, and apprehending that his own power was not ſufficient to counteract it, applied to Lord Bute to recommend Lord Harcourt. Upon this application Lord Bute came to England. He ſettled the difference between the two Dukes, by not accepting the recommendation of either, and continuing Lord Townſhend, who was of his own appointment. The two Dukes ſubmitted to *his abſolute authority*, and then he returned to the Continent.

To the EDITOR *of the* LONDON MUSEUM.

SIR,

MUCH having been lately ſaid on the ſubject of an Engliſh ſhip obliging a French ſhip to ſtrike her colours in the Downs, and as that affair will be repreſented as one cauſe of the approaching rupture between the two nations, it will not be amiſs to ſhew in what manner the inſolence and encroachments of the French and Spaniards were checked during the adminiſtration of a former miniſter, who had ſpirit to reſent the injury immediately, and to refuſe entering into any negociation, which would only give the enemy time and opportunity to prepare for future hoſtilities.

Your's, A. B.

WHEN the French in 1764 ſeized Turks Iſland, a debate aroſe in the Britiſh council upon the meaſures neceſſary to be taken with France upon that occaſion. The whole council, one only excepted, were for a mild remonſtrance with the French court, and they founded their opinion upon an apprehenſion, leſt a ſpirited conduct might induce that court to break the peace, or at leaſt might by ſome unforeſeen means or other, precipitate us into ſome meaſures that would infallibly terminate in a rupture between the two nations. The one who ventured to differ from all the reſt was the right hon. G. G. He urged the neceſſity of a ſpirited conduct as the only means of preſerving the peace. That France who was unable to continue the late war was equally incapable of beginning another. That if we did not immediately ſhew a ſpirited and warm reſentment at her behaviour on this occaſion, ſhe would certainly repeat her inſults and accompany them with language that her pride would oblige her to ſupport, and thus ſilence or tameneſs on our ſide would infallibly lead to a rupture. Upon this, the two ſecretaries of ſtate (at that time Lord H. and Lord S.) committed the whole negotiation to Mr. G. He undertook it, and ſent for Count Guerchy, who was at that time the French ambaſſador at the Britiſh court. In a ſhort converſation, which immediately enſued upon this ſubject, Mr. G. told the ambaſſador in plain terms,

terms, that the French forces who had invaded and ſeized Turks-Iſland muſt immediately evacuate the ſame and reſtore it to the quiet poſſeſſion of the Engliſh. The ambaſſador ſaid in excuſe for the conduct of his court, that the King his maſter had claims upon that iſland, and that he was ready to enter into a negotiation upon them. To which the Engliſh miniſter peremptorily anſwered, whatever claims you have, ſet them up, we will hear them. But firſt the iſland muſt and ſhall be reſtored. We will not hear of any claims or negotiation while the iſland is in the hands of the French King. It is abſurd to ſeize the iſland, and then to talk of a negotiation about claims. When the iſland is reſtored to his Britannick Majeſty, then, and not till then, will a ſingle word about claims be heard or admitted. He concluded in a firm and determined manner to this effect. Sir, I will wait nine days for your anſwer, in which time you may ſend to and receive advice from your court, whether the French King will immediately order his forces to evacuate Turks-Iſland, and reſtore it to the full and quiet poſſeſſion of the Engliſh or not: and if I do not receive your anſwer at the end of nine days, the fleet that is now lying at Portſmouth [there was a fleet then at Portſmouth waiting for ſailing orders] ſhall ſail directly to the iſland and reinſtate it in the poſſeſſion of the King of Great Britain. The ambaſſador went away, and ſoon after returned to ſhew the Britiſh miniſter the diſpatches he had prepared upon the occaſion. Mr. G. gave him leave to inſert the converſation that had paſſed between them. On the ſixth day, a copy of the orders ſigned by the French King for reſtoring the iſland to the Engliſh, arrived.

The ſame ſpirited meaſure was taken by the ſame miniſter with the Spaniard, who had drove our ſettlers from Honduras, to whom fourteen days had been allowed: upon which all was inſtantly and amicably adjuſted *.

For

* In the Muſgrave Controverſy, page 53, is the following authentic anecdote of the ſame miniſter, reſpecting the terms of the late inadequate and infamous peace.

" The news of the important conqueſt of the Havannah arrived in England on the 29th of September, 1762, while the treaty of peace was negociating. Until this period, the D. of B—— had little

To the EDITOR *of the* LONDON MUSEUM.

SIR,

THE following Speech of the Right Hon. HENRY SEYMOUR CONWAY in 1765, in favour of receiving petitions from our brethren in America, againſt the late Stamp Act, deſerves to be recorded in your Muſeum.

Mr. Speaker,

THE laſt ſeſſion we came to a reſolution, that it might be proper to tax the Americans; at that time it was thrown out, I am ſure I underſtood it ſo, that the intention of this reſolution, was, to give to the Americans time to repreſent their

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little or no trouble in the negociation, for the principal articles or great out-lines of the terms of peace had been previouſly ſettled between Lord Bute and Monſ. De Verois (now Count Viry) in England, and the Duc de Choiſeul, and the Sardinian miniſter at Paris.

"At this time the Right Hon. G—— G——— was ſecretary of ſtate for the Northern department, and by his office (being a commoner) was to carry the peace through the Houſe of Commons, when it ſhould be laid before the Houſe. When the news of the conqueſt of the Havannah came, and it was directly determined by the Favourite to give up this important iſland, becauſe it ſhould not embarraſs the negociation, nor impede the concluſion of peace, Mr. G——— differed, and, in particular, inſiſted upon an indemnification for it, from either France or Spain. He wanted St. Lucia and Porto Rico, or the entire property of Jucatan and Florida. The Favourite refuſed to make application for any of theſe; upon which Mr. G——— reſigned October 12, 1762. Mr. Fox (now Lord Holland) was then called upon to carry the peace through the Houſe of Commons. Lord Halifax ſucceeded to Mr. G———'s office. But Lord Egremont, being partly of Mr. G—'s opinion, prevailed to have an inſtruction ſent to the D. of B——— to demand Florida only, which was granted without heſitation; for the meſſenger who was diſpatched to the Duke at Paris with this demand, returned in eight days, with an account of its having been complied with. The fact is, the French miniſter (Choiſeul) obliged the Spaniſh miniſter to agree to this demand, without ſending to his court. A proof of the diſcretionary power which was veſted in the French miniſter by the court of Spain, to agree to whatever compenſation ſhould be inſiſted upon for the Havannah."


BRITISH MUSEUM
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FEB

A Council.


Middlesex
Buckingham
Worcester
Exeter
Westminster
Devonshire
Essex
Southwark
Kent
I direct their Councils
And I assist

their inability, or to ſuggeſt the propriety of a leſs burthenſome tax than the ſtamp duty: this time has been given; the repreſentations are come from the colonies; and ſhall we ſhut our ears againſt that information, which, with an affectation of candour, we allotted ſufficient time to reach us? For my own part, I muſt declare myſelf juſt as much in the dark as I was the laſt year; my way of life does not engage me in intercourſe with commercial gentlemen, or thoſe who have any knowledge of the colonies. I declare upon my honour, I expected, as a member ſitting in this Houſe, to receive ſuch information, as in conſequence of the notice given, might be tranſmitted by the colonies, by which my judgment might be directed, my conduct regulated. In a queſtion ſo important, which regards two millions of unrepreſented people, I lay aſide every conſideration of party, and ſhall therefore make no ſcruple to declare my opinion, that the Jamaica petition is not admiſſable, becauſe it does not come from the colony, and of courſe cannot contain thoſe lights, which I am ſure, I am deſirous of receiving, and which the coloniſts themſelves can only give. But there are, I am informed, other petitions of the nature which I deſcribe, that I am for receiving. A great deal has been ſaid of the ſtanding and eſtabliſhed rule of this Houſe, that no petitions can be received againſt money bills. What is this rule? I recollect no order, no reſolution occurs to me; and it appears undeniable, from what has been advanced on both ſides, that the practice is by no means invariable; at beſt, it is but a practice of convenience; a practice which in this inſtance, if in no other, we ought to vary from: for from whom unleſs from ourſelves, are we to learn the circumſtances of the colonies, and the fatal conſequences that may attend the impoſing of this tax; I ſpeak this with great deference to the abilities of the very few agents who ſit in Parliament; ſome of the colonies have not this advantage, and none of them, let gentlemen ſay what they pleaſe, are repreſented in Parliament. They can't be ſerious, when they inſiſt even on their being virtually repreſented: will any man in this Houſe get up and ſay, he is one of the repreſentatives of the colonies; when, ſo far from being an object of their choice, the moſt ſenſible man in the colonies ſcarce knows ſuch a gentle-

man exiſts. One gentleman in the courſe of this debate, (*Gilbert Elliot, Eſq*; now *Sir Gilbert Elliot, Bart.*) has obſerved, " that the Commons have maintained and aſſerted their right againſt the crown, and againſt the Lords, of ſolely voting money without the controul of either, any otherwiſe than by negative; and will you ſuffer your colonies to impeach, to attack thoſe rights, to impede the exerciſe of them, untouch'd, as they now are, by the other branches of the legiſlature." This I confeſs appears to me the ſtrangeſt argument I ever heard: can there be a more abſolute acknowledgment of your right, a more declared avowal of your power, than a petition, humbly ſubmitting their cauſe to your wiſdom and juſtice, and praying to be heard before your tribunal, againſt a tax that will affect them in their tendereſt parts, in their privileges, that at leaſt you have ſuffered, and in their property, acquired by your protection. I am therefore, from a principle of lenity, policy, and juſtice, for receiving the petitions of a numerous, uſeful, opulent people, from whom this country derives its great commerce, ſtrength, and conſideration.

For the LONDON MUSEUM.

A Parallel between the late Lord Chancellors, SOMERS *and* CAMDEN.

NATIONAL virtue is ſcarce compatible either with great wealth, or extreme poverty. In a wealthy Republic, a majority of its inhabitants may be virtuous, becauſe none have fortunes of ſuch a diſproportionate ſize, as to be able to ſpread infection by example, or create a luxurious emulation; and, in ſuch a community, there are few ſo very poor, as not to have a will of their own, and who are not placed, for that reaſon, beyond the reach of neceſſary influence. In a wealthy monarchy, altho' the royal power be within the limitation of law, a majority of its inhabitants cannot be virtuous, although ſome contend that they may be honourable. Thoſe who are not corrupted by their own proper affluence, are expoſed to corruption from the affluence of others; for theſe reaſons, in Republics,

publics, we ſee, the virtue of the body of the people, is a certain ſupport to the community in caſes of danger. In monarchies, the ſtate has owed its preſervation in general to the virtue of a few. I will not admit any inſtance drawn from Roman ſtory, ſince the deſtruction of Carthage, againſt this propoſition, becauſe the government of Rome, after that period, was republican in form only, and not in ſubſtance. Since the year 1660, when all national virtue was extinguiſhed, by the fatal return of the moſt profligate of all princes, by bringing in his licentious train, every vice, folly, and immorality, which foreign countries could ſpare, no nation in Europe hath been more indebted to the extraordinary merit of particular perſons than our own. And as nature doth in all ages produce thoſe who are able to prolong the date of empires, if their countries ſhall be ſo fortunate as to employ them, and give to their talents their free operation, ſo between thoſe great ſpirits, there ſeems to be a ſtrong ſimilarity of virtues, inſomuch, that were it not for that uneſſential variation, which a difference of times and of countries muſt cauſe, they would appear to be the ſame perſon under different names, and the doctrine of tranſmigration moſt clearly proved. Inſtances from the ancients are unneceſſary; let it ſuffice, for the preſent, to remark this paralleliſm of character between the Lords Somers and Camden, two of the moſt illuſtrious perſons that any nation hath given birth to, and who ſeemed born for the direct and immediate purpoſe of ſaving their country. In an excellence of intellectual powers, as in a ſpotleſs integrity of heart, none could more perfectly agree than theſe great men. Tranſcendant merit, unaided by private favour or party cabal, raiſed them both to the higheſt and moſt important office with which a ſubject can be intruſted: this office they both filled with the utmoſt dignity; adored by their friends, revered even by their enemies; and determined to render themſelves uſeful to their fellow ſubjects as long as it was poſſible, they, with a magnanimous diſregard of the mortifications given them by the baſe ſycophants of a court, which have driven many a faithful ſervant from the throne, both held their employments, until it pleaſed their reſpective maſters to demand a reſignation of them. The labours of Lord Somers for the general good, were not confined

to the buſineſs of his office or profeſſion; he wrote ſeveral political tracts, viz. *The Security of Engliſhmens Lives, or the Truſt, Power, and Duty of Grand Juries of England, &c. and the Hiſtory of the Succeſſion of the Crown of England collected out of the records.* The one a vindication of the Grand Jury, which threw out a bill preferred by the agents of government againſt the Earl of Shaftſbury, whom they were determined to ruin; the other, a proof of the right of Parliament, to ſettle the deſcent of the crown; and, if we are not ſtrangely miſled by common report, the much admired letter *upon General Warrants*, and *the Seizure of Papers*, together with that maſterly defence of *the Rights of the Freeholders of England*, entitled a *Fair Trial*, &c. muſt be aſcribed to Lord Camden. To ſuppoſe, in times of violence and perſecution, when the diſtortion of the law has made her once lovely form, frightful, inſtead of being a comfort to the innocent, that every man is obliged to avow what he ſhall write, is beyond meaſure abſurd; a prudent reſpect to ſelf-ſecurity is what we all owe to ourſelves, and what every great perſonage owes, not only to himſelf, but to his country. Lord Somers had the confidence of his Prince, who was, nevertheleſs, unable to ſupport him againſt the violence of faction. Had L— C— lived in the reign of our great Deliverer, he alſo would have had his confidence, becauſe he would have deſerved it. He has, however, had the confidence of a great people. He could not be diſgraced, but he was diſmiſſed, becauſe he would not proſtitute his great reputation, to ſupport the totterings of a rotten miniſtry. The fine imagination of an artiſt may produce figures faultleſs and unblemiſhed. Nature, whoſe works are more charming, has not done ſo: Candour will extort it—that in 1695, upon the aſſaſſination and invaſion plots, voluntary aſſociations were entered into by both Houſes, and ſent round the kingdom to be ſigned; ſome refuſed; they were turned out of the commiſſion of the peace, by order of the Privy Council, and Lord Somers was charged with having adviſed and procured theſe orders.—Lord Camden, in an unguarded hour, made a ſpeech in favour of the diſpenſing power of the Crown, during that memorable debate in the Houſe of Lords, upon preventing the exportation of corn by proclamation;—and, in theſe inſtances alone, the reader will perceive that they were both—men.

For

For the LONDON MUSEUM.

Βασανον Ιηρνικον, *Or the Iriſh Touchſtone, in a Letter to his Excellency the L—d L——t of I——d, from Hibernicus.*

My L——,

WHEN conquered Canada ſhall no longer be a monument of that extenſion which your puiſſant arm hath given to the Britiſh empire, and Liffy forget to roll her muddy tribute to the ſea, then, and not till then, ſhall the praiſes of the illuſtrious Sancho ceaſe to be the darling theme of his faithful Hibernicus. In your diſgraces, my Lord, I have attended you, in your hours of imaginary ſucceſs, we muſt not be divided. Proſperity to a little mind is a moſt dangerous enemy; in this therefore, your elated moment of victory, it would be cruel to forſake you. Giddy intoxication, would, I am ſure, be the conſequence, and the caſtle of Dublin become your bedlam, inſtead of your palace. Accept then this antidote of madneſs, my much reſpected patron, from the adminiſtring pen of your kind, your conſtant friend.

You ſhall not forget, that to your brother, the late Charles Weathercock, you ſtand indebted for your preſent elevation. Charles, crafty below meanneſs, and cautious even to timidity, was born a ſtateſman; but the unbounded courage, and the dauntleſs intrepidity of George, would lead your Lordſhip through the walks of glory. No one political ingredient entered into your compoſition. You was born for blood and arms, aiming at popularity amongſt the Iriſh, in the manner of Bolanus, of whom Tacitus has ſaid, *Caritatem loco auctoritatis paraverat.* You ſhot wide of the mark; you ſought their affections by drinking alone, but they knew, that rather than fail, you would get drunk with your chairman. A bottle, as productive of convivial mirth, amongſt their well known friends, the Iriſh approve; as the inſtrument of deception in the hands of an enemy, they can ſee and deſpiſe it. Upon the death of Charles, all the little power you carried to Ireland, immediately expired; and had her affairs been critical, you would not have continued even nominally in office. You

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did not preſume to demand from the D— of G—— the full means of gratifying the hungry leaders of the oppoſition; you knew they never would be granted; it was never intended, dear Sancho, to grace your adminiſtration with any ſtroke of eclat. The vigorous attack upon the Iriſh conſtitution was reſerved for the adminiſtration of Lord B.'s ſon-in-law; he came, he ſaw, he terrified; and with the augmentation victory, (all that was required laſt ſeſſion, and indeed, I believe, all that is ſeriouſly expected now) you had no more to do, than with that of Quebcek, having been ſcarce an humble ſpectator of either; ſo that do not impute to your guardian Pallas, what belongs in truth, to the Mercury of the Scottiſh Thane.

Having, I flatter myſelf, removed this pleaſing, but moſt pernicious error in favour of your own importance, your Lordſhip's character, more immediately as a governor, becomes my next concern. Your head, I am well perſuaded, has not enjoyed one clear cool hour ſince your arrival in this kingdom; it will be therefore impoſſible, without aſſiſtance, for you to give a tolerable account of any thing but the beef and claret of a people over whom you have ſo long preſided; and it is what muſt naturally be expected from you. Know then, my Lord, that in Ireland at preſent, there are three effective parties. The firſt I ſhall ſpeak of, hath been at all times on the ſide of adminiſtration. They have at leaſt the merit of being conſiſtent; no charge of hypocriſy lies againſt them, they have no virtue, they pretend to no virtue. It is their avowed opinion, that Ireland, their native country, hath no conſtitution, that it is either a conquered country, or that they gave up their independency by ſolemn compact in the time of Henry the 7th. That the formalities obſerved by parliament in paſſing bills, are, in ſtrictneſs, no more than a regiſtering of edicts, and their readings, debatings, committees, mere indulgences, enjoyed under courteſy, *durante bene placito.* Whilſt, as the Secretary told them, they continue to pay the pecuniary fine for acting farces in their Houſe, agreeable to the cuſtom, their tenure not being free, but baſe, even to villenage; upon theſe principles, the party does not look upon themſelves warranted in refuſing any thing a Britiſh miniſter ſhall require, and were conſequently for an augmentation in whatever form propoſed. They are a body of mercenaries kept

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in conſtant pay. Such are the men who enjoy places about the Treaſury, places immediately about the Court, the deſcendants of low clerks, whoſe anceſtors never had eſtates under the proud feudal tenure, and therefore derive no ſpirit of honour or independence from them; ſo that they either forget, or never knew, that the inheritances are as free in Ireland as in England, its crown as truly imperial. This body has been occaſionally reinforced by a ſucceſſion of lawyers, whoſe impudence, petulance and pruriency for proſtitution, renders the recommendation of real merit to a corrupt adminiſtration, quite unneceſſary. Theſe had for their leader, during a late reign, the E—— of B——, father to the preſent Speaker of the Houſe of Commons, a man of craft, and of an ingenuity equal enough to the contracted ſphere of Iriſh politicks, which conſiſts of a knowledge of the members in detail, their ſeveral connections, but principally in ſuch a management of *that* money, called in the miniſterial phraſe, the fund of corruption, as to expend upon the Iriſh as little as poſſible, that there may be the more left therewith to bribe in England. The Court he ever ſupported moſt zealouſly in all their depredations, becauſe ſuffered to come in for a conſiderable ſhare of the ſpoil himſelf. Between him and the late Earl of Sh——n there was eternal diſcord, becauſe he was jealous of any rival of ſize, leaſt by ſuch intervention, his own importance, and in courſe his profits, might be diminiſhed.

Another party is that conſiſting of men who know they have a conſtitution, have frequently aſſerted their rights with great warmth, but who are nevertheleſs determined to make ſale of that conſtitution for the higheſt penny. This party keep no faith, nor do they regard any treaties, and in defiance of the moſt ſolemn engagements with the Court, after openly receiving the wages of ſhame, will fly out into contumacy, when leaſt expected, and make new demands. Upon ſome popular topick they draw the nation in their train, and drag down all oppoſers to their own terms. Their defection from the country, has been ſo repeated, that upon the augmentation affair laſt ſeſſion, they had little credit with the people, who conſidered them with an eye of juſt ſuſpicion, as laying a ſcheme of oppoſition for their own private advantage. The real patriots had for a time declined every intercourſe with them;

them; and in order to diſappoint them, would have voted with the Court, could they have anſwered it to their conſtituents. Of all our enemies theſe are moſt diſtreſſing, and our caſe would be ſufferable, if they were away. Whatever the regular mercenaries, and the Britiſh penſioners have the humanity to ſpare, theſe falſe friends ſuddenly ſeize. The compoſition we have made with the two firſt, is well known, the quota is fixed, it has now obtained the authority of a modus, and we prepare for it as an event which muſt happen; but for theſe inſurgents, we are not prepared; new reſources muſt be ſought for, and where can they be found, unleſs in the vitals of the nation? It is cruel, that thoſe who have divided our revenues, ſhould have the conſcience to receive our money, and at the ſame time not afford us protection againſt this banditti. It is doubtleſs beneath the dignity of any honeſt adminiſtration to be laughed at by this ſet of men, who from the moſt abject compliance and readineſs in contributing to every act of oppreſſion, upon a refuſal of whatever they demand, lay themſelves immediately in the way, and obſtruct even the reaſonable and neceſſary ſupplies. The miniſter muſt be unacquainted with the natural weakneſs of this party, made up of individuals who have no conſideration but what they derive from diſcipline, and implicit obedience to their leaders; their ſtrength lies in their unfixibility and well-timed junction with one of the other two parties. When they find it ſeaſonable to alarm the Court into a proper reſpect for them, they fall in with the patriots. A ſudden ſhew of numbers impreſſes on the uninformed Governour, an opinion of their great power, and the patriots having no declared leader, the credit of oppoſition is entirely given to the leader of theſe; he makes the advantage of an importance unjuſtly attributed to him, and ſtrikes a bargain with the Court, in which he is permitted to preſcribe the conditions. The patriots are aſhamed of the alliance, and would make any ſacrifice, except that of their country, to get rid of theſe people. If the miniſtry therefore would be patient, confer with temper upon the matter, nor be too forward in granting, they may accompliſh the King's buſineſs without leſſening their own conſequence, or throwing an additional load of grievance upon the nation. On the contrary, inſtead of reducing this noxious party, in the

opinions

opinions of the people, by conferring upon them offices of power and profit, they help to exalt them, and do actually furniſh them with arms for removing the conflict at will. In ſhort, the buſineſs is precipitated, and every Lord Lieutenant thinks himſelf diſhonoured, like a Roman Conſul, if he leaves any thing to be finiſhed, any ſpoil to be carried away by his ſucceſſor in office. He ſhould rather think himſelf highly honoured, if by foregoing ſome inconſiderable advantages, he could diſappoint this party, and would find government firmly ſupported in every reaſonable meaſure by the patriots, who entertain a moſt indignant reſentment againſt this faithleſs and turbulent body.

This party was led for many years by the late Earl of S——n, a man of a truly jeſuitical cunning, who raiſed himſelf from a private country gentleman of a ſmall eſtate, to the power of inſiſting with government upon his own demands, although ſome of the moſt detrimental laws to the kingdom were enacted under his influence; ſuch as lowering the value of gold coin, which by making its price higher abroad than at home, furniſhed an inducement to export it; and that againſt denchiring land, without which proceſs by fire, many of the waſtes of Ireland muſt remain irreclaimable, a law calculated for the ſole purpoſe of preventing the tenants of a part of his eſtate which was near to be out of leaſe, from burning the ſoil, and which might with as much juſtice have prevented their ploughing the ſoil. Although the convicted enemy of his country, upon many occaſions, yet had he the addreſs to make the flood of popularity roll ſometimes very ſtrongly in his favour. William the third, and the Revolution, were his conſtant theme, which, with an Iriſh Proteſtant, is the ſalve of every ſore; and whilſt he was impoveriſhing and enſlaving the nation, had the good fortune to perſuade people, that it was all for the advantage of the Proteſtant intereſt. Foreſeeing the changes which have ſince happened in Britiſh councils, he cloſely united the great Borough intereſt, which was originally in the Boyle family, by the marriage of his eldeſt ſon to the daughter of the preſent S——r of the Iriſh Houſe of Commons, and neice to the late Duke of D————re. And the laſt ſtroke he gave his country,

was by procuring a penſion for himſelf of 2000l. per annum, which he ſold for 30,000l. as a reward for having aſſiſted government, whenever he could not find his convenience in doing otherwiſe; and died, leaving the party to be conducted by his ſon, and the wiſe father-in-law of that ſon. You know that neither of theſe are of a capacity, which, in any profeſſion, would produce the common neceſſaries of life; the firſt, vain, inſolent, uninformed, who hath always miſtaken pride for dignity, and meanneſs for affability; the latter, ſilly, inſignificant, without one beam of genius, or one atom of ſincerity. From the deſpicable underſtandings of this duumvirate, you hoped to have ſucceeded without the aid of corruption; not conſidering, that they did not purſue any one plan formed by themſelves, that your Lordſhip's own underſtanding, was in the ſame deſpicable rank, and that an underſtanding muſt be very low indeed, which it would not be preſumption in you to deſpiſe.

Your daſtardly behaviour to this party, before the arrival of Mercury, drew upon your L——p univerſal contempt. You beheld yourſelf treated in a manner which could not caſt any reflection upon L— T——, but muſt upon that ſacred character whom you have diſgraced in the repreſentation. You abſolutely deſcended to a negotiation with theſe men; you would have ſtruck up a ſcandalous bargain between your ſovereign and the worſt of his ſubjects; and upon theſe occaſions, my L—d, which of the contracting parties do you think moſt criminal? Had you the ſpirit of a man, I will not ſay of a ſoldier, that having been long ſince given up, you would have ſtripped Sh——n P——y, and that gang, of their power in any department whatſoever; you would have deſtroyed their influence; you would have gratified the nation; you would have humbled theſe diſturbers of their K—, and betrayers of their country, men whom, it is to be hoped, will not be conſidered as patriots, becauſe, upon this remarkable diſappointment, they have taken ſhelter under the credit of thoſe who are really ſo. Nor are we to impute to your moderation that you had not done this; you diſtruſted, you hated, but, my Lord, you—feared.

And yet, my Lord, notwithſtanding this formidable diſplay of the terrors of adminiſtration, your Secretary's threats, to deprive us of our little pageantry of legiſlature, of being treated as a conquered country, we can diſtinguiſh in this ſtate trick, the well known practice of Sir Robert Walpole, in the Engliſh Houſe of Commons. If he wanted half a million, he directed ſome of his creatures to move for an entire million. This was to be oppoſed with great warmth, but after long debate, the half million only is granted, and the deceived, unſuſpecting nation are gulled into a perſuaſion of having made a noble ſtand. Aſk for a ſupply by Privy Council-bill, altho' you never expect it, and the Commons will grant it by bill, taking riſe in their Houſe, which was in truth the only thing you wiſhed for. Whether the party, which is the object of my daily execration, and which is now retired into the country to blazon their patriotiſm amongſt their conſtituents, were colluding with your Lordſhip upon this occaſion, a little time will ſhew; if they were, we ſhall ſee peerages, places, and penſions, ſhowered down upon themſelves and followers, I mean within a year or two, and the awakened wrath of your Lordſhip's Secretary by their kind interpoſition appeaſed; but if they are not in the ſecret, then it will be natural to ſee the places and emoluments they now enjoy, taken from them, and beſtowed upon others. We ſhall ſee them aiding, altho' with reluctance, the patriots in preparing petitions for the Throne, and opening the way for ſuch a cataſtrophe of your L——, as your predeceſſor Strafford, of infamous memory, was at length brought to.

As for the laws for ſuppreſſing popery, and for encouraging and propagating the Proteſtant Religion, in which you have affectedly taken ſo buſy a part, and your ſtrong recommendations of attention to our charter-ſchools, we conſider them as ſtale impoſitions. Thoſe who find their intereſt in impoveriſhing and inſlaving the kingdom, whether they be its internal or external enemies, can never entertain one ſincere wiſh, that all our inhabitants ſhould be of the ſame religion, for to keep them divided, is to hold them in chains.

Of the third party, it is needleſs to ſay much, their actions ſpeaking for them more forcibly than is within the compaſs of my feeble voice. Do you not bluſh at your vain attempts to

warp them from their honeſt line of duty by your promiſes, and to intimidate them by your threats? What a degree of impudence does it require to look that man in the face, whom you have endeavoured unſucceſsfully to corrupt? Fear, reſpect, be guarded, my Lord, againſt theſe men; they are likely to be the ſcourge of your adminiſtration; the delegates of an injured people, ſending the charge of your attrocious crimes to be laid before a tribunal, where Ireland has received vengeance ere now upon a more illuſtrious t—— than L—— T——; for, to your Lordſhip's eternal ſcandal, you have not even originality, in your wickedneſs, no other merit but that of having ſervilely purſued a very bad example.—I ſhall lay before your Secretary, in a future letter, ſome reaſons why I think he will not dare to recommend, nor any power on earth venture to execute a ſcheme of depriving the Commons of Ireland of the dominion over their own money.

And am your Lordſhip's, &c.

HIBERNICUS.

☞ A faithful liſt to be ſoon publiſhed of thoſe members of the Iriſh Houſe of Commons who voted againſt the exorbitant power of the Privy Council from principle, and of thoſe who oppoſed it from diſappointment.

For

To the EDITOR *of the* LONDON MUSEUM.

SIR, *Dublin, Jan.* 2, 1770.

THE following is an authentic account of the proceedings of our Parliament, previous to, but upon the ſubject of, the late extraordinary prorogation of it.

Votes of the Houſe of Commons, Dec. 20, 1769.

A MOTION was made, and the queſtion propoſed, that an humble addreſs be preſented to his excellency, the Lord Lieutenant, that he will be pleaſed to inform this Houſe, whether he has had any inſtructions, or hath any intentions to prorogue the preſent Parliament ſooner than uſual.

It paſſed in the affirmative, by a great majority.

The Lord Lieutenant's Anſwer to the addreſs of the Houſe of Commons.

Gentlemen,

I SHALL always be deſirous of complying with your requeſts, when I can do it with propriety.

I don't think myſelf authorized to diſcloſe his Majeſty's inſtructions to me, without receiving his Majeſty's commands for ſo doing.

With regard to my intentions, they ſhall be regulated by his Majeſty's inſtructions, and by future events.

TOWNSHEND.

A motion was made, and the queſtion put, that this Houſe do adjourn itſelf till to-morrow morning.

It paſſed in the negative, 114 to 101.

Ordered, That the money-bill be now read.

Reſolved, That the bill do paſs.

Die Veneris, 22 Decembris, 1769.

A motion being made, and the queſtion put, *That it be an inſtruction to the Speaker of the Houſe, that no Proteſt but that of a Lord of Parliament, and that where the Lord proteſting had taken a part, either in perſon, or by proxy, in a debate, be ſuffered to be entered upon the Journals of this Houſe.*

It paſſed in the negative.

Diſſentient,

1ſt. Becauſe we conceive, that it is the ſole and excluſive right and privilege of a Lord of Parliament, and Member of

of this Houſe, to have his proteſt entered on the journals of this Houſe; and that even a Lord of Parliament, and a member of this Houſe, cannot have his proteſt ſo entered, except upon a matter previouſly in queſtion before this Houſe, wherein the Lord proteſting took part with the minority, either in perſon, or by proxy.

2dly, Becauſe we conceive, that this regulation of the privilege of proteſting ſtands upon the ſame principle; in conſequence of which, this privilege hath obtained among the Lords, and not among the repreſentatives of the people; the latter, we apprehend, are conſidered by the conſtitution as actuated and juſtified by the ſentiments of thoſe whom they repreſent; whereas the Lords, who act not as deputies, but in their own right, are more perſonally reſponſible for their conduct to poſterity. The practice of a permanent juſtification alſo ſeems to have been deemed a more neceſſary guard upon a body, whoſe power was permanent. Hence we conceive the privilege of proteſting aroſe, that a Lord, againſt whom the majority had declared, might have an opportunity of vindicating himſelf to future times, which the original cuſtom of inſerting the name of each Lord on the journals, with the part he had taken in queſtion, rendered more neceſſary. And we therefore apprehend, as it would be abſurd for a Lord to juſtify his conduct where he had not acted, that the privilege of proteſting hath been by reaſon, as well as practice, confined to caſes, in which the Lord proteſting had taken a part, and in which, upon queſtion, the majority had been of a different opinion.

3dly, Becauſe we conceive, that the Earl of Strafford, who firſt attempted, and that but in a ſingle inſtance, to enter his proteſt, as no chief governor, upon the journals of this Houſe, was a perſon of ſuch an arbitrary ſpirit, and the times in which he lived of ſo bad example, and his ſaid proteſt ſo informal and faulty in itſelf, that ſuch his proceeding ought not to be conſidered as a precedent.

4thly, Becauſe we apprehend, that the only ſubſequent inſtance, to wit, the proteſt of Lord Sidney, which was made in heat by that governor, whoſe conduct was diſapproved on his recall to England, which ſoon followed, and founded upon the former example, which ought not to have been imitated,

imitated, was ſtill more irregular and improper, inaſmuch as it related to a matter which had never been before this Houſe, and reſpected the privileges and proceedings of the other Houſe of Parliament.

5thly, Becauſe we conceive it to be peculiarly neceſſary at this time to expreſs our ſentiments upon this ſubject, when we have reaſon to apprehend, that it is intended that a proteſt ſhall be entered upon the journals of this Houſe, relative to the proceedings and privileges of the other Houſe of Parliament, in imitation of the laſt-mentioned proteſt.

6thly, Becauſe we apprehend that we ought not to ſuffer this diſtinguiſhing privilege of the Lords to be invaded or aſſumed by any perſon, in whatever ſtation; and that we ought particularly to reſiſt any ſuch attempt, when it may be thought to involve a breach of the privileges of the other Houſe of Parliament alſo, and may therefore be productive of diſſentions between the two Houſes.

LOUTH,
CHARLEMONT,
POWESCOURT,
MOUNTMORRES,
LONGFORD.

His Excellency George, *Lord viſcount* Townſhend, *Lord Lieutenant General and General Governor of Ireland, his* SPEECH *to both Houſes of Parliament at Dublin, on Tueſday the* 16*th day of December*, 1769.

My Lords and Gentlemen,

THE attention you have ſhewn to the great objects which have been particularly recommended by me to your conſideration, and the proviſions which have been made for the ſafety and ſecurity of this kingdom, call upon me not only to expreſs my approbation of, but to thank you, as I now do, for your conduct in theſe particulars-

Gentlemen of the Houſe of Commons.

It is with great pleaſure that I thank you, in his Majeſty's name, for the ſupplies which you have granted, and the proviſion which you have made, for the preſent eſtabliſhment, the public credit, and the ſafety of this kingdom.

When I firſt met you in Parliament, as I knew and could rely upon it that nothing could move from his Majeſty but what would

would be expreſſive of his conſtant and ardent deſire to maintain and preſerve every conſtitutional right to this people, I little thought that any thing would happen, during the courſe of this ſeſſions, that could poſſibly affect the juſt rights of his Majeſty and of the crown of Great-Britain, ſo as to afford his Majeſty any juſt cauſe of diſſatisfaction, and make it neceſſary for me, ſpecially, to aſſert and vindicate thoſe rights.

It is therefore with great concern that I have ſeen and obſerved in the votes and journals of the Houſe of Commons, printed by your order, a late proceeding by you of ſuch a nature and of ſuch effect, with reſpect to the rights of his Majeſty and the crown of Great Britain, as to make it neceſſary for me, on this day, and in this place, to take notice of and animadvert thereupon: I mean the vote and reſolution of the twenty firſt day of November laſt, by which you, gentlemen of the Houſe of Commons, declare that a bill intitled an act for granting to his Majeſty the ſeveral duties, rates, impoſitions and taxes, therein particularly expreſſed, to be applied to the payment of the intereſt of the ſums therein provided for, and towards the diſcharge of the ſaid principal ſums, in ſuch manner as is therein directed, which had been duly certified from hence to his Majeſty, and, by his Majeſty, had been tranſmitted in due form under the Great Seal of Great Britain, and which had been read a firſt time by you, and which was rejected by you on that day, was ſo rejected, becauſe it did not take its riſe in your Houſe.

This vote and this reſolution of yours, declaring that the ſaid bill was rejected, becauſe it did not take its riſe in your houſe, being contrary to the acts of Parliament of this kingdom, of the 10th of Henry the 7th and the 3d and 4th of Philip and Mary, and the uſage and practice ever ſince, and entrenching upon the juſt rights of his Majeſty and the crown of Great Britain, to tranſmit ſuch bills to be treated of and conſidered in Parliament here; I am now to aſſert his Majeſty's Royal authority and the rights of the crown of Great Britain in this reſpect and in ſuch a manner as may be moſt public and permanent; and therefore, I do here in full Parliament, make my public proteſt againſt the ſaid vote and reſolution of the Houſe of Commons, by which you gentlemen of that Houſe, declare that the ſaid bill was rejected by you, becauſe it did not take its riſe in your Houſe, and againſt the entries of the ſaid vote and reſo-

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lution which remain in the Journals of the Houſe of Commons: And I do require the Clerk of this Houſe now to read my ſaid proteſt, and to enter it in the Journals of this Houſe, that it may there remain to future ages as a vindication of the undoubted right and authority of his Majeſty, and of the rights of the crown of Great Britain in this particular.

In this proteſt, I think myſelf warranted in all reſpects, and if it needed, as I conceive it doth not, any other ſtrength than that which it derives from the ſtatutes which I have mentioned, and from the uſage and practice ever ſince, it would be found in that precedent which appears in the journals of this Houſe of the 3d day of November, 1692, under the reign of that glorious and immortal Prince King William the third, the great deliverer of theſe kingdoms, and the conſtant and magnanimous aſſerter and preſerver of the civil and religious rights of mankind.

The following PROTEST (never before printed) *was then read by the Clerk of the Houſe; after which both Houſes were prorogued to the 20th of March*, 1770.

TOWNSHEND.

WHEREAS at a Parliament holden at Drogheda, in the 10th year of the reign of King Henry the 7th, an act was made for, and concerning the order, manner and form of Parliaments to be holden and kept in the realm of Ireland: and by an act made at a Parliament holden at Dublin, in the 3d and 4th years of King Philip and Queen Mary, it was ordained, enacted, and eſtabliſhed, that no Parliament ſhould be ſummoned or holden within this realm of Ireland, until ſuch time as the Lieutenant, Lord Deputy, Lord Juſtice, Lords Juſtices, Chief Governor or Governors, or any of them, and the Council of this realm for the time being, ſhould have certified, the King and Queen's Majeſty, their heirs and ſucceſſors, under the great ſeal of this realm of Ireland, the conſiderations, cauſes, and articles of ſuch acts, proviſions, and ordinances as by them ſhould be thought meet and neceſſary to be enacted and paſſed here by the Parliament, and ſhould have received again their Majeſties anſwer under the great ſeal of England, declaring their pleaſure, either for paſſing the ſaid acts, proviſions, and ordinances in the form and tenor as

they ſhould be ſent into England, or elſe for the change or alteration of them, or any part of the ſame; and that as well after every authority and licence ſent into the realm of Ireland, for ſummoning and holding a Parliament, as alſo at all times after the ſummons, and during the time of every Parliament to be thereafter holden within this realm of Ireland, the Lieutenant, Lord Deputy, Lord Juſtice, Lord Juſtices, Chief Governor or Chief Governors, and Council of this realm of Ireland for the time being, ſhould, and might certify all ſuch other conſiderations, cauſes, tenors, proviſions, and ordinances, as they ſhould further think good to be enacted and eſtabliſhed at and in the ſaid Parliament, to the King and Queen's Majeſty, their heirs and ſucceſſors, under the great ſeal of this realm of Ireland; and ſuch conſiderations, cauſes, tenors, proviſions, and ordinances, or any of them as ſhould be thereupon certified and returned into this realm, under the great ſeal of England; and no others ſhould and might paſs and be enacted here, in any ſuch Parliament within this ſaid realm of Ireland, in caſe the ſame conſiderations, cauſes, tenors, proviſions and ordinances, or any of them ſhould be agreed or reſolved on by the three eſtates of the ſaid Parliament.

And whereas in this preſent ſeſſions of Parliament, a bill entitled an act for granting to his Majeſty the ſeveral duties, rates, impoſitions, and taxes therein particularly expreſſed, to be applied to the payment of the intereſt of the ſums therein provided for, and towards the diſcharge of the ſaid principal ſums, in ſuch manner as is therein directed, which had been certified by us the Lord Lieutenant of this kingdom, and by the Council of this kingdom unto the King's Majeſty, under the great ſeal of this kingdom, and by his Majeſty approved of and returned into this kingdom, under the great ſeal of Great Britain, and by us ſent to the Houſe of Commons, to be conſidered of in this preſent Parliament; the ſaid Commons having the ſaid bill before them, did read the ſaid bill the firſt time on the 21ſt day of November laſt, and on the ſame 21ſt day of November, a motion being made in the ſaid Houſe, and queſtion put, that the ſaid bill be read a ſecond time, on the morrow morning it paſſed in the negative; and afterwards on the ſame 21ſt day of November another motion was made in the ſaid Houſe of Commons, and the queſtion put, that the ſame bill be rejected;

it

it paſſed in the affirmative; and afterwards on the ſame 21ſt day of November, a motion was made in the ſaid Houſe of Commons, and the queſtion put, that the ſaid bill is rejected becauſe it did not take its riſe in that Houſe; it was carried in the affirmative; and the ſaid Houſe of Commons thereupon, the ſame day, reſolved, that the ſaid bill was rejected becauſe it did not take its riſe in that Houſe. All which motions, queſtions, votes, reſolutions, and proceedings, appear to us in the Journals or Votes of the ſaid Houſe of Commons, printed and publiſhed by and under their order and authority. And which vote and reſolution of the ſaid Houſe of Commons, declaring, that the ſaid bill was rejected becauſe it did not take its riſe in that Houſe, do tend to exclude his Majeſty and the Crown of Great-Britain, from the right of tranſmitting any bills for granting to his Majeſty, and his ſucceſſors, money, or other aids, and are not conſiſtent with, but contrary to the ſaid recited acts of Parliament, and the uſage and practice ever ſince the making thereof, and do in effect intrench upon his Majeſty's royal power and authority, and the juſt and undoubted rights of the crown of Great-Britain.

We therefore, the ſaid Lord Lieutenant, as well to aſſert the juſt rights of his Majeſty and the crown of Great-Britain (whereof we are and ever will be moſt tender) in tranſmitting ſuch bills under the great ſeal of Great-Britain, to be conſidered of in Parliament, as to diſcharge the truſt repoſed in us, and prevent the inconveniencies which may hereafter happen by the ſaid vote and reſolution of the Houſe of Commons, declaring that the ſaid bill was rejected for the cauſe therein mentioned, being made public and remaining in their journals without any contradiction or animadverſion; have thought it neceſſary this day in full Parliament to proteſt, and we do accordingly proteſt againſt the aforeſaid vote and reſolution of the ſaid Houſe of Commons made and paſſed, declaring that the ſaid bill was rejected becauſe it did not take its riſe in that Houſe, and appearing in their journals or votes. And we do aſſert, proteſt, and declare, that it is the juſt and undoubted right of his Majeſty and of the crown of Great-Britain, obſerving the forms in the ſaid ſeveral acts preſcribed, to tranſmit bills under the great ſeal of Great-Britain for granting of aids to his Majeſty, his heirs, and ſucceſſors, which ſaid bill

ſo tranſmitted, ought to be read and conſidered of by the Houſe of Commons in this kingdom, without being rejected by the ſaid Houſe, on account only of their not taking their riſe in that Houſe. And therefore the rejecting of the ſaid bill, becauſe it did not take its riſe in that Houſe, and the ſaid recited vote and reſolution of the ſaid Houſe of Commons, declaring that the ſaid bill was rejected becauſe it did not take its riſe in that Houſe, are not conſiſtent with, but contrary to the acts of Parliament herein before-mentioned, and the practice and uſage in all Parliaments ſince the making thereof, and alſo highly derogatory to his Majeſty's royal authority, and the rights of the crown.

Caſe of Wentworth, Lord STRAFFORD, *Lord Lieutenant of Ireland, entering a proteſt againſt the proceedings of the Parliament of Ireland, Anno* 1634.

NOY, Attorney-General to King Charles the Firſt, having given his advice, that the Parliament of Ireland ſhould have power to paſs acts, and tranſmit them to England, the Lord Lieutenant oppoſed this popular meaſure, by a letter to the Secretary of State in England, of which the following is an extract:

The Lord-Deputy to Mr. Secretary Coke.

Dublin, this 24th of June, 1634.

IN one of Mr. Attorney's notes, an act is adviſed to be ſent hence, which might enable us, on this ſide, to conclude and paſs all ſuch laws as we thought fit, albeit they were not firſt certified thither, notwithſtanding Poyning's act, and the act of 3d and 4th of Phil. and Mar. Under favour, I took it to be of ſo dangerous a conſequence, as I never durſt impart it to them on this ſide; for this would, in a manner, weaken one of the greateſt ſtays the King hath upon this people,—and open a way to all the factious propoſitions, turbulent and unquiet ſpirits might think of, whereby to diſtemper the Houſes: whereas now, they are locked up, not to propound any thing before certified and allowed on that ſide; and if they grow unruly

ruly and importunate in their propposals, the deputy has ſtill to quiet and ſilence them, with a letting them underſtand they forget, and endanger themſelves, to diſcourſe on ſuch matters, whereunto they are not firſt authorized by his Majeſty's privity and warrant. A mighty power gotten by the wiſdom of former times, and would be imputed to this age, I fear as mighty *lacheté* by thoſe who ſhall ſtill ſucceed, ſhould we now be ſo improvident as to loſe it; and, for my own part, ſo zealous am I of the prerogatives of my maſter, ſo infinitely in love with this in eſpecial, that my hand ſhall never be had as an inſtrument of ſo fatal a diſſervice to the crown, as I judge the remittal or weakening this power would be.

WENTWORTH.

Extract of another letter from Lord-Deputy to Mr. Secretary Coke.

Dublin, this 18th of Auguſt, 1634.

THE Lords have, in that Houſe, debated upon divers laws to be tranſmitted, and entered orders, requiring the King's Attorney to draw them up into formal ſtatutes. This I conceive to be againſt Poyning's act *, and to enlarge upon that reſtraining power, the deputy and council have ever exerciſed here, in taking or putting by as ſeemed good to themſelves.—I let them alone until the laſt day of the ſeſſion; but then, being very jealous, leſt, in my time, any thing might creep in, and grow upon the King's prerogative in this tender and important particular, I clearly declared, they had therein proceeded further than they had warrant for: but knowing it had not ſlipped them out of any indiſcreet purpoſe, I ſhould content myſelf for the preſent, with entering my proteſtation againſt

* In Carte's life of the Duke of Ormond, there are theſe obſervations on this act.

"The Iriſh may think themſelves downright ſlaves by this act, which reſtrains them from making any law, or taking any meaſures to redreſs their grievances; ſubjects them to the will of perſons who have different intereſts from theirs; diſables them from making application to the King, but by the intervention and mediation of his miniſters, generally ſent from another kingdom, too jealous of the proſperity and commerce of Ireland." Vol. I. page 80.

againſt it, on the King's behalf, which I required might be recorded in the Houſe, and did beſeech their Lordſhips, to be better adviſed for the future, and not to extend that power which was left them by that law, to wit, a liberty only to offer by petition, to the deputy and council, ſuch conſiderations as they might conceive to be good for the common-wealth, by them to be tranſmitted for laws, or ſtaid, as to them ſhould ſeem beſt.

WENTWORTH.

OBSERVATIONS.

OF the twenty-eight articles of impeachment exhibited againſt Lord Strafford, upon which he loſt his life, ſeventeen relate to his conduct in Ireland; wherein he is charged *with having ſubverted the fundamental laws, and ſettled government of that kingdom.* The committee of the Commons of Ireland added, *and introduced an arbitrary power.* In theſe letters of the Lord Deputy, we may obſerve with what unremitting ardour this deteſted ſycophant ſought the ruin of liberty through all the King's dominions, that nothing could controul this eagerneſs; not even the advice of thoſe law officers of the crown, whoſe opinion is ſure to be followed, when inſtead of being delivered in favour of our rights, it is directed to our enſlaving. Wicked indeed that miniſter, moſt determined in his iniquity, who thus preſumed to reject a meaſure recommended with ſuch weight of authority in favour of an oppreſſed people. And nothing could more clearly forewarn the impending calamities of a ſtate, except the audacious behaviour of the preſent premier to the firſt character in our law; a man whoſe office, capacity, knowledge, and integrity have placed him as far above the Attorney-general of Charles, as our miniſter is inferior to Wentworth in genius, in eloquence, in courage, and in every thing but an evil diſpoſition. To ſuch a degree of impudence is he arrived, ſo ſlight an impreſſion hath decollations, baniſhments, and even the Revolution (an event almoſt of yeſterday) left upon the minds of thoſe who are intruſted with the management of our affairs. So *zealous*, ſays the Deputy, *am I, for the prerogative of my maſter.*

ter. So zealous, indeed, he was, that he never did ceaſe, until he laid the foundation of thoſe *troubles* which brought that maſter to the ſcaffold; and ſo *in love*, continues he, with *that part eſpecially* by which he tyrannized over Ireland, that the charge of having adviſed the King to bring troops from that kingdom to conquer England, teſtified by Secretary Vane, was the very charge upon which he was condemned, to make atonement by his death, for the crimes which he had committed againſt his country.

It is matter of amazement, that the many examples which our hiſtory affords of vengeance done upon the favourites of our Kings, has not been ſufficient to terrify them into due reſpect for the people. But I can perceive them ſecured in a firm belief, that our gentry are ſo diſſipated and luxurious; our people ſo idle, ſo cowardly, although ſo inſolent at the ſame time; in ſhort, ſo oppoſite in every reſpect to thoſe who bravely aſſerted their liberties at the expence of their eaſe, and hazard of their blood, that give them their diverſions and daily bread, *panem et circenſes*, they will ſubmit to any thing; they may growl, but they dare not bite; moreover, not having the Scotch at their ſide, to rouſe them from lethargic loyalty, what can the Engliſh do? It ſhould be remembered, that the people were as ſlow in proceeding to violence, at the period of 1641, yet were they, by repeated acts of oppreſſion, at length forced to take up arms. Unſkilful in the beginning, but unappalled, they were worſted by the diſcipline of the cavaliers almoſt every where, but did they not, in a very ſhort time, become the moſt formidable and beſt diſciplined ſoldiers in the world? and were they not (which ſhould be ſtill more dreadful in remembrance to the delinquents of this age) moſt unrelenting, and determined upon a retribution of blood for all their former injuries.

Caſe of Lord SIDNEY, *Lord Lieutenant of Ireland, entering a Proteſt againſt the proceedings of the Parliament of Ireland, Anno.* 1692.

UPON paſſing the bill of Exciſe, the commons entered into ſome reſolutions, which diſtaſted the Lord Lieutenant, and were the cauſe of putting an end to the ſeſſion.....

On the 27th of October, they reſolved, 1ſt. "That it "was the undoubted right of the Commons of Ireland to "prepare and reſolve the ways and means of raiſing money. "2dly. That it was and is the ſole and undoubted right of the "ſaid commons to prepare heads of bills for raiſing money. "3dly. Notwithſtanding the ſaid undoubted rights this Houſe "doth think fit, upon conſideration of the preſent exigencies "of affairs, and the public neceſſity of ſpeedily raiſing a ſup-"ply for their Majeſties, to order a bill tranſmitted under the "great ſeal of England, entitled, "an act for an additional "duty of exciſe upon Beer, and ale, and other liquors," to be now read, which was done accordingly, and upon reading it the third time, a reſolution was entered in the journals, *nemine contradicente*, "That the receiving or reading the ſaid "bill ſo tranſmitted from England be not drawn into prece-"dent hereafter." They rejected another bill ſent out of England, "For granting certain duties to their Majeſties for one year," and ordered it to be entered in their journals, "That the reaſon why they rejected the ſaid bill was, "That the ſame had not its riſe in their Houſe." Several other bills fell to the ground.....The loſs of which was owing to an ill humour raiſed in the Houſe (as before is hinted) by the crown's interfering in the money bills, the granting of which, without diſpute, belonged fundamentally to the commons, and their right therein was ſoon after aſſerted by the commons of England, and a cenſure paſſed on the proteſt of the Lord Lieutenant in his ſpeech made upon proroguing the Parliament; though his excellency thought the claim of the commons to be contrary to the ſtatutes of 10. Henry VII.

and

and 3. 4. Philip and Mary, to the continued practice ever ſince, and to the King's prerogative.

On the 3d of November his Excellency being diſtaſted at their proceedings for rejecting ſeveral bills, as well as for their votes aſſerting their right of granting money, he checked them in a ſpeech more ſevere than what is uſual to proceed from the throne, and entered a proteſt againſt their proceedings in his Majeſty's name and in maintenance of his prerogative, and then he prorogued them to the 6th of April, and from thence by ſeveral prorogations, till at length they were diſſolved by proclamation on the 26th of June, 1693, and he ſhewed his reſentment in a more particular manner againſt the ſerjeants Oſborne and Broderick, two active and leading members of the Houſe, whom he removed from their places of King's council. *Harris's Life of King William III.*

The Lord Lieutenant's Speech to both Houſes of Parliament, on Thurſday the 3d of November, 1692.

My Lords and Gentlemen,

"UPON the opening of this ſeſſion, I did acquaint you with the motives that induced their Majeſties to call this Parliament, which were no other than what entirely regarded a happy ſettlement of this kingdom, upon ſuch foundations as might not only ſecure the peace, but bring you into a proſperous and flouriſhing condition.

"I am ſorry I cannot ſay there hath been ſuch a progreſs made by you, Gentlemen of the Houſe of Commons, towards theſe good ends, as their Majeſties had juſt reaſon to expect; and I am more troubled that you, who have ſo many and ſo great obligations to be loyal and dutifully affected to their Majeſties, ſhould ſo far miſtake yourſelves, as to incroach upon their Majeſties prerogative, and the rights of the Crown of England, as you did on the 27th of October laſt, when by a declaratory vote you affirmed, that it is the ſole and undoubted right of the Commons of Ireland to prepare heads of bills for raiſing of money; and alſo again on the 28th of the ſaid month, when you rejected a bill ſent over in the uſual form, intitled, an act for granting to their Majeſties certain duties for one year, you voted, that it ſhould be entered in

your journals, that the reaſon why the ſaid bill was rejected, was, that the ſame had not its riſe in your Houſe.

"Theſe votes of yours being contrary to the ſtatutes of 10. Henry VII. and 3 and 4 of Philip and Mary, and the continued practice ever ſince, I find myſelf obliged to aſſert their Majeſties prerogative, and the right of the crown of England in theſe particulars, in ſuch a manner as may be moſt public and moſt permanent; and therefore I do here in full Parliament make my public proteſt againſt thoſe votes, and the entries of them in the Journals of the Houſe of Commons, which proteſt I require the clerk of this Houſe to read, and afterwards to enter it in the Journals of this Houſe, that it may remain as a vindication of their Majeſties prerogative, and the right of the crown of England in theſe particulars to future ages.

ON the 14th of February 1692-3, a motion was made in the Houſe of Commons of England, to take into conſideration the ſtate of the kingdom of Ireland. On the 18th the Houſe heard evidence upon the ſubject. And on the 24th, the gentlemen who had given evidence, gave in their informations in writing.

Extract from James Sloane, Eſq; (a member of the late Houſe of Commons of Ireland) his Account of the State of Affairs in Ireland.

IT was publicly told us, by ſome nearly concerned in the government, that, unleſs we would paſs the money-bills, as brought from the council-board, the army ſhould or would take free-quarter.

When the propoſal of money was ſent, it was readily embraced; and when my Lord Lieutenant ſent, that by the computations of the civil and military liſts of the eſtabliſhments, and of the profits of the revenue, produced by Mr. Poultney, there would be wanting ſeventy thouſand pounds to ſupport the government there; though it be almoſt incredible, to any body who has not been in the country, to believe the great deſolation, waſte, and poverty, which generally reigns throughout the kingdom, ſave in ſome parts of the North, and

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in and about Dublin, Corke, and a few other towns, which are better than the reſt; yet they were reſolved to bear any thing they could, rather than be further burthenſome to this kingdom, and therefore voted a ſum not exceeding ſeventy thouſand pounds, to be raiſed; and ſpent ſeveral days about finding the ways and means how to do it with the greateſt eaſe and equality to the ſubject; and therefore were tendered to us two bills, which had been prepared at the council-board; the one for the ſaid additional exciſe, which was pretty well liked for its ſubſtance; and the other, for a charge of fifteen-pence per acre, on all corn throughout the kingdom; which was thought very unequal in itſelf, there being very great difference of corn, and of the ſeveral ſorts, and the graziers and traders eſcaping the tax, and ſo many people ſtarving for want of bread. It was thought ſtrange by ſome, why theſe bills ſhould have been kept from us ſo long, to let us ſpend ſo much time, as aforeſaid; and, when they were tendered, it was greatly diſliked, that the Privy Council ſhould prepare money-bills before the heads of them were firſt found and propoſed by the Commons. And here I would undeceive every body who are made to believe, that we intended, by that, or any other proceeding, to avoid Poyning's law, and thereby make ourſelves independent (as they call it) on this kingdom: for all we did, was, to aſſert the right of the Commons having the ſole right of firſt founding or propoſing the heads of bills for raiſing of money; and that, when the Commons had propoſed them to the Council Board, the Council Board ſhould draw them into bills, and tranſmit them to England, to be tranſmitted back, according to the method of Poyning's law, which was made on the twenty-ſeventh of October; and ſeven days after that, we were prorogued: and the cauſe aſſigned by his Excellency's laſt ſpeech, of the third of November for his diſpleaſure, is, that he is troubled that we, who had ſo many obligations to be loyal, and dutifully affected to their Majeſties, ſhould ſo far miſtake ourſelves, as to intrench upon their Majeſties prerogative, and the rights of the crown of England, as we had done by our ſaid vote of the twenty-ſeventh of October, and a ſubſequent vote of throwing out the corn bill, becauſe it had not its riſe firſt from the Commons:

and therefore he requires his proteſt againſt thoſe votes to be entered in the Lords book; and ſo prorogued us to the ſixth of April.

Extract from the account given by David Cairnes, Eſq; another Member of the late Houſe of Commons of Ireland.

I TOLD his Excellency, I hoped there might be no occaſion of variance, for that we were always very willing to give what money the kingdom could bear, for the public ſervice and ſafety; and deſired only to take (as we conceived) the beſt and moſt effectual ways for that purpoſe; and had ſhewn our readineſs in part, and would ſoon have accompliſhed the reſt, had we ſat but ſome little time longer: that it was like we ſhould begin where we left; and ſo there would be no ground of debate, as to any new money-bills brought before us. To this my Lord did reply, that there would be certainly a money-bill laid before us, as ſoon as we met, though it were but for a very ſmall ſum. I made anſwer, that though I could not poſitively undertake to foretel the ſenſe of the Houſe in ſuch caſe, yet would not wiſh the experiment were made. My Lord aſked me, why ſo. I replied, becauſe I was confident the bill would not paſs, unleſs the members had much altered their minds; which I did not yet find they had done. My Lord made anſwer, that then we ſhould have no more Parliaments, or were like to have none; or words to that purpoſe. I anſwered, I hoped not ſo, having ſuch need thereof at this time, or to that effect. My Lord replied, that if the Houſe would inſiſt upon what was not their right, they could not expect to ſit. I made anſwer, that I hoped they would inſiſt on nothing that was not their right, but were not as yet (that I knew) convinced of their error in what paſſed in the Houſe on this matter; or to that purpoſe. I ſaid further, in diſcourſe, that we had conſidered the laws, and every thing elſe, as we could; and had both good lawyers, and other gentlemen of good parts in the Houſe; and went upon the cleareſt reaſons that we could find, though his Excellency had not, perhaps, fully heard them: that nothing herein they had done, could be ſuppoſed for any private intereſt or party: that I hoped, after all, ſome better

expedient

expedient might be found to avoid all inconveniencies herein, which was the repealing of Poyning's act, as to money-bills only; that being the main thing ſtill offered in objection againſt us; which, were it ſuppoſed, as was ſaid, to affect us in this particular, would but ſtill occaſion delay in tranſmitting bills to and fro, which might be rejected at laſt, if not adjuſted to the mind of the Houſe, or found any way inconvenient; while, in the mean time, without any ſuch ſteps, money might be quickly raiſed for the uſe of the kingdom: but that, however, it was not conceived, that act, or any other, had diveſted us of what right we ſtill claimed in this matter, being only to prepare heads of money-bills, and no more, as knowing beſt the true funds of the nation: that, as juriſdiction was the peculiar right of the Lords Houſe, ſo money-bills were in that of the Commons; and that right well conſiſtent with the act, though not therein particularly excepted.

Reſolved, That, upon informations given to this Houſe, it doth appear, that there hath been great abuſes and miſmanagements of the affairs of Ireland.

The Opinion of the Judges upon the Acts of 10 Henry 7. *and* 3, *and* 4. Philip *and* Mary.

May it pleaſe your Excellency, and Lordſhips,

IN obedience to your Excellency's order of reference to us, we conſidered the Act of 10th of *Henry* 7th, cap. 4th, commonly called *Poining*'s Law, and the Act of 3d and 4th of *Philip* and *Mary*, cap. 4th, and the other Acts relating to the holding Parliaments, and paſſing of bills in Parliament in this kingdom of *Ireland*. And we humbly offer unto your Excellency and Lordſhips, that by the ſaid act of the 10th of *Henry* 7th, cap. 4th, it is provided,

"That no Parliament be holden in *Ireland*, but at ſuch "time as the King's lieutenant and council there do firſt cer- "tify the king under the great ſeal of that land, the cauſes and "conſiderations, and all ſuch acts as them ſeemeth ſhould paſs "in the ſame Parliament, and ſuch cauſes, conſiderations, and "Acts affirmed by the King and council to be good and ex-

"pedient

" pedient for the land, and his licence thereupon, as well in " affirmation of the ſaid cauſes and acts, as to ſummon the " ſaid Parliament, *&c.* That done a Parliament to be held, " *&c.* And any Parliament to be holden hereafter, contrary " to the form and proviſion aforeſaid, to be deemed void and " of none effect in law."

By which act we conceive, that any former right which either Houſe of Parliament might have to prepare bills is thereby concluded, and the power of preparing bills is in the chief governor and council, the words of the act being general, and in the affirmative, that all acts paſſed in Parliament, ſhould, before the Parliament begun, be certified into *England*, and approved of there and remitted back; and then comes the negative clauſe, that Parliaments holden contrary to that form to be void. So that until the act of 3 and 4 of *Philip* and *Mary*, there could be no new certificate or tranſmiſſion of any more bills after the parliament ſat, as may appear by the letter of that act, which was made chiefly to remedy that inconveniency; and by the reſolution of the judges in *England* upon the ſaid acts, and by the recital in the act of 11th *Eliz.* ſeſſ. 2. cap. 1. that by occaſion of *Poyning*'s law, no eſtabliſhments or proviſions can be concluded by the body of your Majeſty's Parliament being aſſembled, but ſuch only as have been before their aſſembly certified unto your Highneſs, and affirmed by the ſame; and by the words of the act of 11th *Eliz.* ſeſſ. 3. cap. 8, that *Poyning*'s law prohibited any Parliament to be ſummoned, or any act to be treated of in Parliament, before the acts were certified under the great ſeal of *Ireland*, and returned under the great ſeal of *England*. And we humbly conceive, that money bills, as well as other bills, even thoſe of grace and indemnity, are within this law of the 10th of *Henry* 7th, and therefore the Parliament in the 28th of *Henry* 8th, cap. 4th, did ſuſpend that law for a time, as to acts concerning the king's revenue, and the publick good, but that being in the copulative; they made another act the ſame ſeſſion *Ca.* 20th in the disjunctive ſuſpending *Poyning*'s act, as to all ſtatutes of that Parliament, that ſhould concern the publick good, or the increaſe of the King's revenue: and in like manner by 11th *Eliz.* cap. 1. *Poyning*'s act is again ſuſpended for that time, as to acts concerning the eſtabliſhment of publick

policy,

policy, quiet, or order of the ſubjects, or augmentation of his Majeſty's revenue, *&c.* which great care and circumſpection to ſuſpend *Poyning*'s act, as to bills of any augmentation of the revenue, had been altogether needleſs, if money bills, as well as others had not been bound by that act, or had been ſet at large by the ſtatute of 3 and 4 *Philip* and *Mary*.

And we conceive, if it were otherwiſe in money bills, the Commons in Parliament would have the right, not only to prepare heads, but alſo to prepare the bills themſelves: for, if money bills are not within the ſaid acts, they are not to be certified or tranſmitted at all, the contrary whereof has been conſtantly practiſed ever ſince *Poyning*'s law, and ſeems to us, that if the Commons in Parliament had the ſole right of preparing heads, *&c.* they ſhould alſo have a right of having thoſe heads purſued and obſerved. But 'tis manifeſt, that beſides what change and alteration the chief Governour and Council may make of them here, it is expreſly provided by the ſtatute of 3 and 4 of *Philip* and *Mary*, that the King's Council of *England* may change and alter any bills that may be tranſmitted to them there.

Secondly, We humbly conceive, that the deſign of the ſaid act of the 3 and 4 *Philip* and *Mary*, was chiefly to explain and regulate the ſaid act of the 10th of *Henry* 7th, in the particulars following.

1. To comprehend every chief Governour (whatſoever his title were) within the word, *King's Lieutenant*.

2. To empower the King and Council in *England* to amend, alter, and change ſuch bills, as ſhould be tranſmitted.

3. To empower the chief Governour and Council here to certify bills after the Parliament began.

And we humbly conceive this act does enlarge the power of the chief Governours and Council, but does not give or reſtore any thing to the Commons.

For, it is as general and comprehenſive as *Poyning*'s law in impowering the chief Governour and Council to certify all ſuch other bills, as they ſhall think good to be enacted in the ſame Parliament, and the ſame being returned under the great ſeal of *England*, no others may be enacted, *&c.* So that the difference in the point between *Poyning*'s law, and this act is, That the former impowers the King's Lieutenant

and

and Council to tranſmit bills before the Parliament ſits, and the latter impowers them likewiſe to certify bills *pendente Parliamento*, but ſtill 'tis they muſt do it, and adds a negative clauſe, but no other bills but what they certify (therefore not money bills) can be treated of in Parliament.

And it ſeems to us, that this law of the 10th *Henry* 7th cap. 4th, has been of great conſequence and ſecurity to the *Engliſh* intereſt in this kingdom in the judgment of former times; ſuch great reſpect having been given to it, and ſuch great care having been taken of the preſervation thereof, that it is the only act, the repeal whereof cannot be certified into *England* by the chief governour and council, without a previous conſent of the majority of both Houſes of Parliament, as by the ſtatute of 11th *Eliz.* cap. 8th may appear.

And we find by the printed ſtatute made in the 15th *Hen.* 7th, the only bill that paſſed in that Parliament was a money bill, which could not be tranſmitted but before the Parliament ſat, and therefore the heads could not be prepared in the Houſe (*a*).

In the like manner we find a ſubſidy granted 3 and 4 *Phil.* and *Mary*, cap. 6, which, as the law was then held, muſt be tranſmitted before the ſeſſions, and another ſubſidy granted the 11th of *Eliz.* which being the firſt act of that Parliament, the heads of it could not be prepared in the Houſe.

We have alſo inſpected the Journals of Parliament, of which we find none more antient than thoſe of King *James* the firſt, and by them it appears, that in the year 1614 there is a grant of four ſubſidies to king *James*, and by comparing the tranſmiſs with the journal, which we have diligently examined, we find the tranſmiſs dated the 6th *Mar.* 10. *Jac.* 1. which was before the Parliament began. So that the heads of that bill could not be prepared in the Houſe, and yet it paſſed chearfully, and they had the King's letter of thanks for the ſame, which is entered at large in that journal.

And

(*a*) By a ſtatute alſo of the 24 Hen. 7. remaining in the Rolls-Office, though not printed, an act paſſed (the only one of that ſeſſion) whereby a ſubſidy of 13s. 4d. on every plow-land granted by a former Parliament, and which was expired, was continued for 10 years, with a power to the King and council to reform, diminiſh, or revoke the ſaid act, if they found it prejudicial to the ſubjects.

And in the reign of king *Charles* the firſt, one bill for four ſubſidies was remitted hither 13th *May*, 10th *Ch.* 1ſt. and another bill for ſubſidies the 13th of *July*, and both paſſed, though the heads of neither of them could be prepared in the Houſe of Commons. For the Parliament did not begin till the 14th of *July*. And we did obſerve, that in the licenſe to call that Parliament there was a condition inſerted,

Ita tamen quod, that the bill of ſubſidies be ready for the royal aſſent within three weeks after the beginning of that Parliament, and afterwards a fortnight more was added; another bill of ſubſidies being propoſed, which alſo paſſed. In like manner the act of ſubſidies is the firſt act that paſſed in the parliament holden *Anno.* 1639.

And ſo it was in the reign of king *Charles* the ſecond, when an act of four intire ſubſidies, and another for the city of *Dublin*, to raiſe 25,000l. and ſeveral other money bills paſſed in the Houſe, without any previous preparation. But it is true, in ſeveral Parliaments the commons have prepared bills, and heads of bills, as well for money, as other things, but ſeldomer for money than other matters, as they did this ſeſſion prepare heads or ſchedules of *Engliſh* acts to be made of force here, and ſometimes their advices have been purſued, and ſometimes rejected; but this was done as remembrances, and by way of humble advice, and not in point of right, and ſo it is fully expreſſed in the journal of 1614 in theſe words:

The Houſe of Commons acknowledging, "that the ſole "power and authority to tranſmit ſuch bills into *England*, as "are to be propounded in Parliament, doth reſt in the lord "deputy, do only deſire to be remembrancers unto his lord-"ſhip, and the reſt, touching the acts following, which they "humbly offer as meet to be tranſmitted with ſuch other acts, "as his lordſhip, and the reſt, ſhall think fit to be pro-"pounded next ſeſſion, and afterwards they alſo deſire in pen-"ning thoſe bills (ſome of which are money bills, and more "not) his lordſhip would uſe the ſervice of their committee of "twelve, with ſuch others, as his lordſhip would employ." And in the ſame Parliament they thus anſwer the complaint of the lords, *viz.* "Where their lordſhips ſeem to tax the "Houſe of Commons with too much forwardneſs in propound-"ing laws for the royal aſſent, without participating with

" their lordſhips ; it is far from the judgment of the Houſe " to proceed in ſuch a manner, being inſtructed, and having " full knowledge how they are limited by the laws, and ſta- " tutes, and orders of Parliament, and for their proceedings in " this kingdom, they humbly appeal to your lordſhips, whe- " ther they propounded any act of Parliament, further than " to have ſome neceſſary bills to be conferred on by your " lordſhips and the council, and with your approbation to be " tranſmitted into *England*, that being ſent over again, and " conſidered of, then to be allowed, or diſallowed afterwards " in both Houſes, before they can paſs the royal aſſent." In like manner, when a committee of the lords, with the aſſiſtance of the judges, had prepared ſome very good bills, which were approved of by the Houſe of Lords *Anno.* 1634, which the Lord Chancellor on his knee, humbly moved the Lord Deputy to tranſmit to *England*, his lordſhip made anſwer, " that he doubted not but their lordſhips ſhould " have ſatisfaction in the effect of their deſires ; but for the " manner, his lordſhip's diſſent is as much as their lordſhips, " by an act of Parliament made in the time of the govern- " ment of Sir *Edw. Poynings*, they are debarred from penning " any act, and have power only to move and petition the " Lord Deputy and council for drawing and tranſmitting " into *England* ſuch acts as they deſire to be paſſed ;" on the matter, his lordſhip aſſured the Houſe of the beſt ſatisfaction he could give, and that therein he would do the lords what ſervice lay in him. His lordſhip directed the clerk to take notice of his diſſent, and to cauſe an entry to be made of his proteſt of it, and of his claim in right of the crown to their drawing of all bills to be paſſed in Parliament in this kingdom. And thereupon followed the Lord Deputy's proteſt, which recites the moſt material parts of the acts 10th *Hen.* 7th, cap. 4. and 3 and 4 *Philip* and *Mary*, cap. 4. and the titles of the new acts, which were propoſed, and concludes in theſe words. " Whereas the committee of privi- " leges directed the lord chancellor to move us the lord de- " puty, that divers acts drawn up by his Majeſty's judges of " the ſeveral courts, and conſidered of and allowed by their " lordſhips, might be further proceeded in as appertaineth,

" which

" which the lord chancellor did accordingly : all which for-
" mer proceedings of their lordſhips, we the lord deputy
" taking into due conſideration, and weighing the ſame with
" ſtatutes alſo, we do not conceive that the ſaid lords ad-
" viſedly or purpoſely intended to violate or innovate in any
" thing, otherwiſe than as by the ſaid ſtatutes are provided,
" yet for avoiding any miſrepreſentation, which by reaſon of
" that manner of proceeding may in after times, be made, to
" the intrenchments of the ſaid acts of Parliament, or his
" Majeſty's royal power, whereof we are and always will be
" the moſt tender, in diſcharge of the duty we owe to the
" preſervation of his Majeſty's honour, and that the like
" miſtakes in their lordſhip's proceedings may futurely be
" avoided : we have therefore thought fit this day in full Par-
" liament to proteſt againſt that courſe held by their lordſhips,
" as not any way belonging to their lordſhips, to give order
" to the King's learned council, or any other, for the framing
" and drawing up any acts to paſs in Parliament, but that the
" ſame ſolely belongs to us the lord deputy, and we do hereby
" further declare, that their lordſhips have power only by re-
" monſtrance or petition to repreſent unto the lord deputy and
" council for the time being, ſuch publick conſiderations as
" they ſhall think fit and good for the common-wealth, and
" to ſubmit them to be drawn into acts, and tranſmitted into
" *England*, or otherwiſe altered or rejected according as the
" lord deputy and council, in their wiſdom, ſhall judge and
" hold expedient, and that in ſuch wiſe, as the ſaid acts of
" Parliament in theſe caſes have provided. And we the lord
" deputy do truſt their lordſhips will take this as a neceſſary
" and ſeaſonable admoniſhment from us, and forbear the like
" courſe hereafter."

And thereupon the lords made an order in theſe words, *viz.*
" That the lords above-named ſhall forthwith attend the right
" honourable the lord deputy, and let his lordſhip know, that
" the lords never intended to proceed in any thing contrary
" to the act of *Poyning*, but only viewed thoſe bills, which the
" judges had drawn by his lordſhip's directions for the better
" preparing that work."

And we alſo find, that by the journal of the Houſe of Commons *anno.* 1640, amongſt the inſtructions given their

agents to ſollicit the King, the ſecond article, which they were to deſire was, that the Commons, during the Parliament, may draw up bills by their own committee and tranſmit them.

And ſo in the journal 1661, they expreſs themſelves in this manner.

"Ordered, that the undernamed perſons be appointed a "committee to attend the lords juſtices this afternoon at three "o'clock in the council chamber, and to join with the com- "mittee of the Houſe of Lords in deſiring the lords juſtices "to give directions for drawing up, and tranſmitting into "*England*, a bill according to ſuch heads as ſhall be pro- "pounded by both Houſes for 12000l. to be raiſed for de- "fraying the expence of the agents, that are to be ſent into "*England* from both Houſes, and other neceſſary contingen- "cies." By which it ſeems that they have claimed no priviledge in preparing heads for money bills, but ſuch as were communicable to both Houſes; and their addreſs is by petition, and not a demand of right.

And indeed we could not find any other pretence or colour for this claim to a ſole right for preparing heads of bills, *&c.* But a vote mentioned in the journal of the year 1662, in theſe words, *viz.* "The lords, having a free conference with the "commons, differed from them in the manner of raiſing the "30,000l. for the duke of *Ormond*, it was reſolved, declared, "and aſſerted by this Houſe, that the propoſals of ways and "means of levying all money to be raiſed in this kingdom, "is the antient and undoubted right of this Houſe only," which appears to have reſulted from a conference with the lords, and ſeems to relate only to them, and tended to aſſert the rights of the commons againſt the lords to have money bills begin in their Houſe firſt, as they do it to this day. For, whereas other bills may be promiſcuouſly ſent to either Houſe firſt; money bills ought to be, and are ſent firſt to the Houſe of Commons.

But this vote, as we conceive, has no reference to the power lodged by law in the chief governour and council, nor any tendency to diveſt them of it, as may appear from their former votes and proceedings, and if it had, would have been of no force againſt ſo many ſtatutes, and ſo long uſage and practice to the contrary.

And we conceive no inconveniency can accrue to the ſubject by this interpretation of the aforeſaid ſtatutes; becauſe

the

the commons have a negative vote upon money bills, as well as other bills, can never be burthened with any tax, which they ſhall think unequal or unſeaſonable.

Upon conſideration of all which ſtatutes, journals, tranſmiſſes, and other proceedings of Parliament, we are unanimouſly of opinion.

1ſt. That it is not the ſole right of the commons of *Ireland* in Parliament aſſembled to prepare heads of bills for raiſing money.

2d. That the chief governour and council may prepare bills for raiſing of money, and certify, and tranſmit the ſame to their Majeſties and council of *England*, to be returned under the great ſeal of *England*, and afterwards ſent to the commons, although the heads of ſuch bills have not their firſt riſe in the Houſe of Commons.

All which we humbly ſubmit to your excellency, and lordſhips, this 14th of *February*, 1692.

RICHARD REYNELL.	JOHN LYNDON.
RICHARD PYNE.	HENRY ECHLIN.
JOHN HELY.	JOHN JEFFERSON.
RICHARD COX.	STAND. HARTSTONGE.

The opinions of the twelve judges of England were likewiſe taken on this important ſubject, and were to the ſame effect as the above.

OBSERVATIONS.

IT is ſcarce credible, that within ſixty years after the endeavours of Wentworth to make the government of Ireland arbitrary, for which he ſuffered ſo diſtinguiſhed a puniſhment; after thoſe two grand criſiſes in favour of liberty, the decollation of one tyrant, and the expulſion of another, that the attempt to enſlave that kingdom by a forced and unnatural conſtitution of Sir Edward Poyning's law, ſhould be reſumed. Theſe extracts however prove this to have been the caſe, and that notwithſtanding the votes of cenſure paſſed by the Engliſh Houſe of Commons upon the conduct of Lord Sidney. Ireland has continued in a ſtate of miſerable dependence, not upon England, the Engliſh are too juſt to aſſume an ill-grounded ſuperiority, which can be of no uſe to them, but may be a dangerous inſtrument in the hand of a tyrant who ſhould have a deſign upon the liberties of this kingdom. A miniſter may flatter our national vanity by telling us that Ireland

land is ſubject to England, and that every act of oppreſſion exerciſed upon that iſland, is for the glory and honour of this. But it is a dangerous deception; for the greater the prerogative of the crown in Ireland, the more powerful the Engliſh miniſter, the more capable of carrying on his ſchemes at home. And ſhould there ever be an occaſion to arm once more againſt lawleſs force, the Iriſh, accuſtomed to the dominion of prerogative, ſhall forget the relation between them and the people of this country, and acknowledge no relation but that to the crown. Subjects to the king, not fellow ſubjects of the Engliſh, who preſume to oppoſe a king, be his intentions what they will. Through the whole ſcheme of deſpotiſm, there ſeems to be a ſameneſs, and the ſpirit of Strafford, to have perſuaded every tory adminiſtration ſince his time; reſolved to ſupport the ſtruggle between prerogative and the nation's rights, the liberty of ſome one part or other of his Majeſty's dominion is to be invaded, the forces of corruption ſtill kept in exerciſe, and ready, if I may ſay ſo, to ſeize upon the firſt opportunity of ſurprizing the head quarters of the conſtitution. The cauſe of the moſt remote colony of America is the cauſe of every Engliſhman; he ſhould feel for every part of the Britiſh empire, and be aſſured, that it is neither for his glory or profit to ſee it enſlaved.

For the LONDON MUSEUM.

BON MOTS.

On a late extraordinary Speech.

IN a late company at Euſton, conſiſting of the Duke of G——n, Lord B——b——e, a country 'Squire, whoſe wife had gone aſtray, and Geo. Selwyn, Eſq; the latter half aſleep, cried, "come let's go to play;" to which the Duke replied, "ſtop a little, I expect Sir Charles Bunbury ſoon;" *Zounds!* exclaims Mr. Selwyn, *we ſhall have a horn-fair of our own.*

WHILE a great Perſonage was reading his late ſpeech in a great aſſembly, Lord B——b——e, looking to Lord G————r, ſaid, *I think we are very much obliged to his M——y for making ſuch honourable mention of us.*

THE

THE PRINCIPAL EVENTS AND OCCURRENCES OF THE MONTH.

JANUARY 1, 1770.

The following letters paſſed between the Right Hon. the Lord Mayor, and the Right Hon. Lord Barrington, relative to the ſoldiers marching lately through the city with drums beating, &c.

To the Right Hon. Lord Barrington, Secretary at War.

My Lord, *Manſion-Houſe, Dec.* 18, 1769.

ON Saturday, December the 16th, a relieved detachment of ſoldiers from Spitalfields (without any previous notice given to the Lord Mayor) marched, on their return, before the Manſion-Houſe, and through the heart of the City, with drums beating and fifes playing, and made a very warlike appearance, which raiſed in the minds of the peaceable citizens the idea of a town garriſoned with regular troops.

I ſhall be much obliged to your Lordſhip if you will be pleaſed to inform me, whether this unuſual appearance of ſoldiers marching through the heart of the City, with drums beating and fifes playing, was occaſioned by the order of your Lordſhip, or of any other commiſſioned officer.

Ever ſince I have had the honour of being the firſt Magiſtrate of this metropolis, I have not heard of any riot or diſorder within my juriſdiction; and I truſt if any tumult ſhould be excited by evil-diſpoſed perſons, the force of the civil power will be ſufficient to ſubdue all diſturbances, and bring the offenders to juſtice, without the aid and aſſiſtance of a ſingle military man. I am, my Lord, &c.

WILLIAM BECKFORD.

To the Right Hon. the Lord Mayor of London.

My Lord, *War-Office, Dec.* 19, 1769.

I Received your Lordſhip's letter of yeſterday informing me that "on Saturday laſt a relieved detachment of ſoldiers "from Spitalfields, without any previous notice given to you, "marched on their return, before the Manſion-Houſe, and "through the heart of the city, with drums beating, and fifes "playing."

"Your

" Your Lordſhip deſires I will inform you whether this was oc-
" caſioned by me, or the order of any commiſſioned officer."

The detachment from the foot-guards, relieved every twenty-four hours, which has for ſome time paſt done duty in Spitalfields, at the requiſition of the worthy Magiſtrates acting there, in order to ſecure the public peace, went by order from hence; but no particular directions were given as to the manner in which they ſhould march, which was left, as uſual, to the diſcretion of the commanding officer.

I am very clear in opinion, that no troops ſhould march through the city of London in the manner deſcribed by your Lordſhip, (though I find, on enquiry, it is ſometimes done) without previous notice given to the Lord Mayor; and I ſhall take care that the officer who commanded the detachment, which returned from Spitalfields laſt Saturday, ſhall know my opinion. I will alſo take ſuch meaſures as ſhall, I truſt, for the future, prevent any juſt offence being given to the city, or it's chief magiſtrate.

I have the honour to be, &c.

BARRINGTON.

January 9.

This day the Parliament met at Weſtminſter, when his Majeſty went to the Houſe of Lords, and opened the ſeſſion with the following ſpeech.

My Lords, and Gentlemen,

IT is with much concern that I find myſelf obliged to open the ſeſſion of Parliament with acquainting you, that the diſtemper among the horned cattle has lately broke out in this kingdom, notwithſtanding every precaution that could be uſed for preventing the infection from foreign parts. Upon the firſt notice of it's actual appearance, My next attention was to endeavour to ſtop, if poſſible, it's farther progreſs; and as the ſucceſs of thoſe endeavours muſt, in all probability, have been entirely defeated by any the leaſt degree of delay in the application of them, I thought it abſolutely neceſſary, with the advice of My privy council, to give immediate directions for every ſtep to be taken that appeared moſt capable of checking the inſtant danger of the ſpreading of the infection, until I could have an opportunity of conſulting My parliament upon ſome more permanent meaſures for ſecuring Us againſt ſo great a calamity: and to your immediate and ſerious conſideration I earneſtly recommend this very important object.

I have given My parliament repeated aſſurances, that it has always been my fixed purpoſe to preſerve the general tranquility; maintaining, at the ſame time, the dignity and honour of My crown, together with the juſt rights and intereſts of My people. The uncommon burthens, which My ſubjects have borne ſo chearfully, in order to bring the late war to a happy concluſion,

muſt

muſt be an additional motive to make Me vigilant to prevent the preſent diſturbance in Europe from extending to any part, where the ſecurity, honour, or intereſt of this nation may make it neceſſary for My crown to become a party. The aſſurances which I receive from the other great powers, afford Me reaſon to believe, that My endeavours will continue to be ſucceſsful. I ſhall ſtill make the general intereſts of Europe the object of My attention: and while I ſteadily ſupport My own rights, I ſhall be equally careful not to acknowledge the claims of any other powers contrary to the limitations of the late treaties of peace.

It is needleſs for Me to recommend to the ſerious attention of My parliament the ſtate of My government in America. I have endeavoured, on My part, by every means, to bring back My ſubjects there to their duty, and to a due ſenſe of lawful authority. It gives me much concern to inform you, that the ſucceſs of My endeavours has not anſwered my expectations; and that, in ſome of My colonies, many perſons have embarked in meaſures highly unwarrantable, and calculated to deſtroy the commercial connection between them and the mother country.

Gentlemen of the Houſe of Commons,

I have ordered the proper eſtimates for the ſervice of the current year to be laid before you. I am perſuaded that your affection for My perſon and government, and your zeal for the public good, will induce you to grant ſuch ſupplies as are neceſſary; and you may be aſſured, that, on my part, they ſhall be managed with the ſtricteſt Œconomy.

My Lords, and Gentlemen,

As the welfare and proſperity of My people have always been the object of My wiſhes, and the rule of My actions; ſo I am perſuaded, from My experience of your conduct, that you will be governed in your proceedings by the ſame principles. My ready concurrence and ſupport in every meaſure that may ſerve to promote thoſe ends, you may always depend upon. On you it will be now, more than ever, incumbent, moſt carefully to avoid all heats and animoſities amongſt yourſelves; and to cultivate that ſpirit of harmony which becomes thoſe who have but one common object in their view, and which may be moſt likely to give authority and efficacy to the reſult of your deliberations. Such a conduct on your part will, above all things, contribute to maintain, in their proper luſtre, the ſtrength, the reputation, and the proſperity of this country; to ſtrengthen the attachment of My ſubjects to that excellent conſtitution of government, from which they derive ſuch diſtinguiſhed advantages; and to cauſe the firm reliance and confidence, which I have in the wiſdom of My parliament, as well as in their zeal for the true intereſt of My people, to be juſtified and approved both at home and abroad.

In the U——r H——e, the A——ſs was moved by the D— of A——r. But an amendment being propoſed by the E——l of C———m, a debate aroſe thereupon. His Lordſhip's amendment was:

"And for theſe great and eſſential purpoſes, we will with all "convenient ſpeed, take into our moſt ſerious conſideration, the "cauſes of the diſcontents which prevail in ſo many parts of your "Majeſty's dominions, and particularly the late proceedings of "the Houſe of Commons, touching the incapacity of John "Wilkes, Eſq; (expelled by that Houſe) to be elected a member to "ſerve in this preſent Parliament, thereby refuſing, (by a reſolu-"tion of one branch of the legiſlature only) to the ſubject his "common right, and depriving the electors of Middleſex of their "free choice of a Repreſentative."

All the ſpeakers on both ſides took a part in the debate. The Lord C——r, E—l T——e, E—l of S———re, and L——d L——n, &c. ſupported the amendment. The D— of G—— (who was anſwered by the Lord Ch———r) E—l of D———, E—l of P—t, E—l of M——t, Lord S—ys, and L—d M——d, ſpoke againſt it. The L—d Ch——r, among other things, ſaid, the preſent Miniſtry were men unfit to be employed in g———t; that they acted in a moſt d—— and t——l manner, and were injurious to the intereſt of the K——, inaſmuch as they inſolently diſregarded the opinion of the people.

L—d M——— ſaid, "that his opinion of the M——x election ſhould die with him, as he did not think any P—r in P——t had a right to meddle with affairs which related only to the privileges of the H— of C——.

L—d C——m anſwered L—d M——d, and among other things ſaid, "he ſhould conſider the laws as they were in the ſtatutes, and not as they were explained away by modern commentators; that we were indebted for our preſent happy conſtitution to the *iron barons* of old; and not to the *ſilken barons* of this day," (pointing to a bench before him.) "And that as to the opinion of the n—e L—d, who ſpoke laſt, reſpecting the M——x e—n dying with him, the ſooner that happened, the better it would be for the people of this kingdom." And he concluded with theſe words, *wherever law ends, there tyranny begins.* At length they divided, when 89 were for the A——ſs, as it originally ſtood, and 36 againſt it. The following is a liſt of the Minority.

The Dukes of	Richmond		Aylesford
	Portland		Effingham
	Manchester		Buckinghamſh.
	Northumberland		Fitzwilliam
The Marq. of	Rockingham		Temple
The Earls of	Suffolk		Radnor
	Stamford		Chatham
	Abingdon	The Viſcount	Torrington
	Scarborough	The Lords	Abergavenny
	Albemarle		Byron
	Tankerville		Craven

The

The Lords	Boyle	Hyde
	Trevor	Ponſonby
	King	Lyttelton
	Monſon	Wycombe
	Chedworth	Groſvenor
	Forteſcue	Milton
	Sondes	Camden

The L—ds adjourned to January 15.

In the L——r H——e, the A——ſs was moved by Sir G—— O——e, Bart. and ſeconded by R—— P—— Eſq; An amendment was propoſed by Mr. D—dſ—ll, ſimilar to that offered by L—d C——m, in the U——r H——e; upon which a very long and warm debate aroſe, which laſted till two o'clock next morning. The Marquis of G——y, Mr. G— G——e, Sir G. S—e, Col. B——é, Mr. D—g, Mr. B—e *, &c. ſupported the amendment. Lord N—h, Lord B—n, Lord C—e, Sir F— N——, &c. oppoſed it. The Marquis of G——y declared, he was ſorry for the vote he had given laſt winter, and wiſhed he could recal it. That, upon mature conſideration and reflexion, he had altered his opinion: and that he thought it better to own a fault, than perſevere in one. And, in anſwer to what had been thrown out on the other ſide, that the people were not alarmed, or diſpoſed to blame the government, he affirmed the contrary; that he had been in different counties lately, and found a general diſapprobation of the preſent miniſtry and their meaſures, prevail every where. Col. B——é was very ſevere, and very juſt. He charged them with having alienated the minds of thirteen millions of

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* The following has been printed in the public papers, as the concluſion of the ſp——h of Mr. B—e on this occaſion.

'When the eyes of all Europe were on us this day, expecting 'to have thoſe grievances mentioned, that have ſo long engaged 'their *converſation*, as well as our *feelings*—when Engliſhmen ſub-'mitted to unheard-of grievances, waiting for this hour of re-'dreſs, how are we diſappointed! how are we mortified! When, 'inſtead of being looked upon as perſons capable of redreſſing pub-'lic grievances, or guardians of the liberties of our electors, we are '*only* recommended to ſuppreſs the infection now raging amongſt 'the horned cattle, as if the M——s of this H—e only poſſeſſed 'the qualification of *Cow-doctors*.

'How ſhall we account for this ſtrange proceeding? Cannot 'we plainly perceive, that this is the eccho of a feeble, daring, 'venal a———n; who, grown practiced in corruption, have 'fitted themſelves for the worſt of purpoſes—who have been ſo 'hackneyed in the ways of error and venality, that they have loſt 'ſight of either *virtue* or *honour*, and are reduced to this laſt alter-'native, *an impudent perſeverance*."

people. Mr. D——g ſaid, he had been ill, and ſhould therefore ſay but little. He would give his vote for the amendment for two reaſons; one becauſe a general uneaſineſs had gone forth among the people, and the other, becauſe he thought the words of the amendment would be ſome mark to the public, that the national grievances would, as they ought, come under the conſideration of the H——. At length they divided, when 254 were for the A——ſs as propoſed, and 138 againſt it. The following is a liſt of the Minority:

Sir Anthony Abdy
Benjamin Allen
Sir Edw. Aſtley
John Aubrey
William Baker
Iſaac Barré
Charles Barrow
Aubrey Beauclerk
Lord Belaſyſe
Captain Bertie
Hugh Bethel
Sir Walter Blackett
H. Crab Boulton
Sir Piercy Brett
Matthew Bricdale
John Buller jun.
Edmund Burke
William Burke
George Byng
J. Calcraft
T. Calcraft
N. Calvert
J. Carnac
Ld. G. Cavendiſh
Ld. F. Cavendiſh
Ld. J. Cavendiſh
H. Cavendiſh
N. Cholmley
Godfrey Clarke
Sir Thos. Clavering
Sir Rob. Clayton
Geo. Clive
Sir W. Codrington
Sir Geo. Colebroke
Ch. Wm. Cornwall
R. H. Coxe
Braſs Croſby
Thomas Coventry
J. Damer, jun.
Geo. Damer
Sir Chas. Davers
H. Dawkins
Geo. Dempſter
Geo. Delaval
Wm. Dowdeſwell
Ld. Downe
Ld. Donnegal
J. Dunning
T. Fitzmaurice
Sir Rob. Fletcher
H. Fletcher
Thomas Foley, jun.
Rich. Fuller
Serjeant Glynn
W. Goddard
Marq. of Granby
J. Gregory
Geo. Grenville
H. Grenville
Booth Grey
Sir J. Griffin
Thos. Groſvenor
Thos. Hampden
Ld. A. Hamilton
W. G. Hamilton
Harbord Harbord
Thos. Hay
Geo. Hobart
Gen. Honeywood
B. Hotham
Thos. Howard
Wm. Huſſey
Geo. Hunt
Gen. Irwin
Adm. Keppel
Gen. Keppel
Sir Rob. Ladbroke
J. Laroche
Daniel Laſcelles
Edw. Laſcelles
Ld. Ludlow
J. Luther
Geo. Manners
Joſeph Martin
J. Mauger
Sir Joſeph Mawbey
Sir Wm. Meredith
Rich. Milles
Sir J. Moleſworth
T. More Molyneux
Geo. Muſgrave
J. Norris
J. Parker
R. Pennant
Capt. Phipps
Thomas Pitt
Wm. Plumer
Edw. Popham
Alex. Popham
Chaſe Price
Thos. Pownall
J. Ratcliffe
J. Ruſhout
Ld. Geo. Sackville
Sir J. St. Aubin
A. St. Leger
S. Salt
Sir Geo. Savile
Sir Ch. Saunders
J. Sawbridge
J. Scawen
T. Scrope
J. Scudamore
H. Seymour
T. G. Skipwith
J. Smith
Frederick Stander
H. Strachey
Ld. Thomond
T. Thornton
Hon. Tho. Townſhend
T. Townſhend, jun.
James Townſhend
B. Trecothick
Chas. Turner

G. W. Van

G. W. Van Neck	Wm. Weddell	John Yorke
Ld. Verney	J. Weſt	138
J. Walſh	T. Whateley	Sir Francis Vincent
B. Walſingham	R. Whitworth	Fred. Montague
R. Waller	Sir Cecil Wray	140
John Walter	T. Willoughby	

Next day the A——ſs was reported, upon which another debate aroſe. In the courſe of this debate, Sir G. S—— declared, the H—— of C——— had betrayed the rights of the n——; on which Sir A—— G———, called him to o—, and ſaid, the words were ſpoken in a paſſion, and ought to be retracted, or at leaſt explained. The worthy Y——— Baronet replied, that he was as cool as when he left his pillow; that it was his fixed opinion; that he had never uſed any other words when he had mentioned the proceedings of the M—x e—n; that he would never retract them; and that they wanted no explanation. Mr. Serj. G—n juſtified Sir G. S——, and declared, that in his opinion, they were the very proper words; that the rights of the n—— had been betrayed, and that no words could be ſo well uſed on the occaſion. Mr. E—— B—— likewiſe, with great ſpirit, ſupported Sir G——— S——, and called upon the miniſtry to puniſh Sir G—— if the accuſation was falſe, and ſaid, that if a falſe and unjuſt charge had been made, the gentleman who made it ought to be ſent to the T——r, and dared them to it; but added, that they were conſcious of the truth of the aſſertion, and therefore in a tame and cowardly manner crouched under it. He aſſerted, that this H—— of ——— were no H—— of ———, for they were not a juſt r————n of the p——e; and if they ſhould venture to paſs any a—s, there would be a neceſſity of having them confirmed by a n— P———. He ſaid, the people abhorred the preſent, wicked, and arbitrary Miniſter, and aſked the S——, if the chair did not tremble under him. At the concluſion of the debate, Sir G—— S—— ſtood up again, and declared, that he was as cool as before, more ſo he could not be; and added, "bring me to the teſt, and I the matter will reword, which madneſs would gambol from; therefore, ſtanding up in in my place, as M——— for the c—— of Y—, I do declare, THAT THIS H—— OF ——— HAS BETRAYED THE RIGHTS OF THE N——.

Upon Lord Chatham's taking ſo ſtrong and public a part againſt the miniſtry, they fell into confuſion.

The Lord Chancellor *was turned out*. The Marquis of Granby, Sir George Yonge, Sir Piercy Brett, Right Hon. James Grenville, and Mr. Dunning, all reſigned.

The Dukes of Beaufort and Mancheſter reſigned.

The Earl of Huntingdon *was turned out*, becauſe he did not attend; and the Earl of Coventry reſigned.

Copy

Copy of a circular letter from the Prime Miniſter to the Peers of Scotland, with a Note.

My Lord, *Arlington-ſtreet.*

I HAVE the honour to acquaint your Lordſhip, that the election of one of the ſixteen Peers of Scotland, in the place of the late Earl of Eglingtoun, comes on at the Abbey of Holy Rood Houſe, on Wedneſday the 7th of January next.

I find that many of the Peers of that part of the United Kingdom think that the Earl of E——ll * is a proper perſon to be choſen in the place of the Earl of Eglingtoun, and I own he has my wiſhes for his ſucceſs.

I am, &c.

G———n.

11. The Speaker of the Houſe of Commons, while at prayers, was taken ill; and the Houſe was adjourned from day to day, in expectation of his recovery.

16. Laſt night there was a full meeting of the committee of the electors of Weſtminſter, at the Standard tavern, in Leiceſterfields: when the chairman acquainted them, the deſign of that meeting was to conſider of a letter of thanks to Mr. Serj. Glynn, for his late manly and ſpirited defence of the electors of Weſtminſter, and their petition.

Mr. Almon introduced the letter with ſaying, 'The Weſtminſter petition had been abuſed in a moſt virulent manner;' that it had been ſaid, '*It was ſigned by* BASE-BORN *bookſellers, and* BASE-BORN *people; that they were low mechanicks, not fit to enter the gates of his Majeſty's palace.*' What further abuſe was intended to be thrown on us, is probably only known to him, who thought proper to diſtinguiſh us by his diſpleaſure; for Mr. Serjeant Glynn inſtantly checked him. The worthy Serjeant then, with his uſual maſterly eloquence, vindicated us and our petition; and expoſed the malignity of ſuch foul and unjuſtifiable expreſſions.

'Several other petitions have been ſpoken of with ſome diſreſpect; but they have been reſpectively defended by the R———s of the towns and counties from which they came. Our petition has not had that honour; for our R———s, like true courtiers, ſeem to think their conſtituents unworthy of their leaſt regard; and had it not been for the worthy Serjeant, the Weſtminſter petition had probably been without an advocate.

'The Weſtminſter petition ſeems to have been as diſagreeable to

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* *The Earl of E——ll, &c.*] Is there any wonder, that that noble Lord ſhould be thought a proper perſon in theſe times, when every body knows, that his illuſtrious father ſuffered death for his attachment to the Houſe of Stuart.

to the court, as any which has been preſented; not ſo much perhaps from its being the firſt which prayed for a diſſolution of the preſent Parliament, as its being the pure and genuine petition of the people, unſolicited and uninfluenced by any great perſon whatſoever. A petition from Weſtminſter was leaſt expected, becauſe it is honoured with the reſidence of all the Royal family; becauſe ſuch a petition muſt be under the noſe of all the miniſters, at the threſhold of all the ſtate offices, and in the face of all that part of the nobility and gentry who are enemies to petitions; yet, notwithſtanding this great and black cloud of influence, the virtue of the people ſhone forth ſuperior to all oppoſition.

'The term BASE-BORN, with which we have been honoured, appertains to *ſervile*. Therefore the electors of Weſtminſter, and no doubt all the freeholders and electors of England, who are not as rich as a miniſter of ſtate, or who do not derive their deſcent from the Norman Baſtard, are, in the idea of the Miniſter's friends, *low, ſervile people*; that is, they are SLAVES, not fit to vote for a Member of Parliament, nor to ſign a petition for the redreſs of grievances. That ſuch was the intended meaning of the term BASE-BORN, is evident from what followed, *low mechanicks, not fit to enter the gates of his Majeſty's palace.* I will only obſerve upon theſe words, that ſuch low mechanicks as ſigned the Weſtminſter petition, are the pillars of his Majeſty's palace. We pay our debts when they are contracted; we pay our taxes when they are demanded. Can the profligate part of the Great, who value themſelves upon their manors and their pedigrees, ſay as much? It is from the labours, the ſtock, the traffic of ſuch mechanicks as ſigned the Weſtminſter petition, that his Majeſty's revenue receives its moſt eſſential ſupport; that revenue out of which the placeman receives his ſalary for betraying the rights of the people, and the penſioner the wages of his iniquity.

'The Engliſh conſtitution, the law, the wiſdom of thoſe patriots who cemented our rights with their blood, have made no diſtinction between the freeholder of 40s. a year, and the man of 40,000l. They have equally a right to enter his Majeſty's palace, and lay their grievances before their Sovereign; as well as to a repreſentation in Parliament.

'Therefore, Mr. Serjeant Glynn's ſpirited and ſeaſonable defence of the electors of Weſtminſter in particular, and of the freeholders and electors of England in general, in my opinion, merits our warmeſt and earlieſt acknowledgments; and for this purpoſe, I have drawn up a letter of thanks to the worthy Serjeant, which I will read, and then give to the chairman, to be ſubmitted to your better conſideration.'

The letter, upon being read, was unanimouſly approved of, and ſigned by all preſent. Five gentlemen were then deſired to wait upon the Serjeant with it, at ten o'clock this morning; which they accordingly did, and were very politely received.

The

The following is the lettter of thanks; with Mr. Serjeant Glynn's anſwer.

SIR, *Standard-tavern, Jan.* 15, 1770.

'WE who had the honour to be a committee of the electors of Weſtminſter, to draw up and conduct the buſineſs of the late petition from this City and Liberty to his Majeſty, having heard that it has been attempted to throw a ſtigma on the ſaid petition, by traducing in the moſt groſs and unjuſtifiable terms the electors who ſigned it, ſaying, they were baſe-born people, and low mechanicks, not fit to enter the gates of his Majeſty's palace; and having heard alſo that you very ſpiritedly and generouſly ſtood up in our defence, and that you checked and reprimanded, as well in a very neceſſary, as in a gentleman-like manner, the diſorderly ſpirit and wanton malignity that could attempt to fix the *ſlaviſh* epithet of baſe-born, upon any part of the free-born inhabitants of this kingdom;

'We deſire, Sir, that you will be pleaſed to accept of our moſt ſincere and hearty thanks, for your ſeaſonable and voluntary ſervices at that critical and not to be forgotten moment—A moment, Sir, when it was the peculiar duty of our own repreſentatives, and ought to have been their care, to have defended from ſuch foul aſperſions ſo reſpectable a number of their conſtituents as ſigned the Weſtminſter petition. A neglect in them which enhances the obligation we confeſs ourſelves under to you, Sir, and if poſſible encreaſes that eſteem we have always entertained of your great abilities and true patriotiſm.

'We ſhould therefore have been wanting in the duty which we owe to ourſelves, as well as to Engliſhmen and poſterity, if we had omitted to thus pay our tribute of thanks. Not that we mean it as any incitement to you to perſevere in your glorious endeavours to preſerve the conſtitution and laws of this country, for we are certain you never want ſuch incitement, but we ſhall be happy if it proves an encouragement to other gentlemen to defend the rights and liberties of their conſtituents, when either inſolently reviled, or arbitralily invaded.

'We are, Sir, your very much obliged, and moſt obedient ſervants.'

Mr. Serjeant Glynn's Anſwer.

SIR,

"I beg the favour of you to communicate to the Committee of Electors of the City of Weſtminſter, my moſt humble and reſpectful thanks, for the very handſome and obliging terms in which they have been pleaſed to honour my conduct with their approbation.

"I claim no merit beyond a faithful diſcharge of my duty in Parliament

Parliament, to which I am particularly incited by a grateful ſenſe of the generous and diſintereſted manner in which that truſt was conferred upon me by the freeholders of Middleſex.

"I ſhould deſervedly incur the reproach of ingratitude, if I forgot the ſupport I met with from many of the Electors of Weſtminſter: excluſive of that conſideration, I eſteem it the duty of my ſituation, as one of the repreſentatives of the people, to be attentive to the honour and intereſt of the Electors of this kingdom: ſo reſpectful a body as the citizens of Weſtminſter, are certainly intitled to the utmoſt conſideration of every well-wiſher to the conſtitution of this country.

I have the honour to be, Sir,

Your very obliged humble ſervant,

JOHN GLYNN.

Red-lion-ſquare, Jan. 18, 1770.

15. The L—ds met purſuant to adjournment. The Marquis of R————m gave notice that he had a motion of great importance to make. Lord W———th moved to adjourn to January 22, upon which a debate aroſe; and upon a diviſion, the adjournment was carried. The minority were this day joined by the Duke of Bolton, the Earls of Strafford and Coventry, and Lord Willoughby de Broke.

During this receſs, the poſt of Lord Chancellor was hawked about. The ſeals were offered to Lord Chief Juſtice Wilmot, who declined accepting of them: then to Lord Mansfield, upon his own terms, who declined them alſo; and laſtly to the Hon. Charles Yorke, who took a few days to conſider of it.

16. Mr. Yorke waited upon his Majeſty at the Queen's-Houſe; and in the evening, upon Lord Rockingham in Groſvenor-ſquare, to whom he declared he had refuſed the ſeals.

17. Mr. Yorke went again to his Majeſty at the Queen's-Houſe; and accepted of the ſeals. From the Queen's Houſe he went to Lord Hardwicke's in St. James's-ſquare, where he found the Marquis of Rockingham, the Earl of Hardwicke, the Hon. John Yorke, and the Dean of Lincoln; who eagerly thronged about him, expecting to wiſh him joy on his having withſtood this ſecond attempt upon his virtue. He produced the ſeals;—the ſight of which ſtruck them all with amazement. Lord Hardwicke felt too much, and inſtantly retired into another apartment; Mr. Yorke attempted to follow him, but found the door ſhut againſt him. The company reproached him in ſevere terms, and retired. He then went into his chariot and drove home.

18. He was ſeized with a fever.

19. The Duke of Grafton went to viſit him upon buſineſs but could not ſee him.

20. He

20. He died.—His appointment and peerage were ſtated in the following words in the Gazette;

"At the Court at the Queen's-Houſe, the 17th day of January, 1770.

"His Majeſty in Council was this day pleaſed to deliver the Great Seal to the Right Hon. Charles Yorke, Eſq; who was thereupon, by his Majeſty's command, ſworn of his Majeſty's moſt Honourable Privy Council, and likewiſe Lord High Chancellor of Great-Britain, and accordingly took his place at the Board.

"*St. James's, Jan.* 18. The King has been pleaſed to grant unto the Right Honourable Charles Yorke, Eſq; Lord High Chancellor of Great-Britain, and the heirs male of his body lawfully begotten, the dignity of a Baron of the kingdom of Great-Britain, by the name, ſtyle, and title of Lord Morden, Baron of Morden in the county of Cambridge."——*He died before the Great Seal was put to the patent.*

Sir John Cuſt, Speaker of the Houſe of Commons reſigned, on account of his ill ſtate of health.

Sir Fletcher Norton went to the Duke of Grafton, and demanded a peerage for his lady. The duke not thinking it a proper time to comply with his requeſt, promiſed to make him S———r of the H. of C. inſtead; with which, for the preſent, he was contented.

22. The L—ds met purſuant to adjournment, when the M—s of R———m made his motion, to fix a day for taking into conſideration, the preſent ſtate of the nation: upon which a debate aroſe. Several of the public grievances were mentioned, but no redreſs offered for any of them, except what was thrown out by L—d C——m; who ſaid, inſtead of depriving a county of its repreſentative, a member ought to be added to every county; which would prove a balance to the power of the corrupt boroughs, which could not be lopped off except in the time of ſome great convulſion of the ſtate. He approved of the augmentation of the army in Ireland, but not of the R——l promiſe, that 12,000 men ſhould always remain in that kingdom; which he ſaid ſhackled the meaſure, and prevented thoſe advantages being derived from it, which ought to accompany every augmentation of the army. And he cenſured, in very ſtrong terms, the conduct of the Adminiſtration, in ſuffering the French to ſieze Corſica.—The debate was adjourned to Jan. 25.

In the L——r H——e Lord N—— moved to call Sir F—— N—— to the vacant chair. The Right Hon. Lord J—— C—— propoſed the Right Hon. T—— F———d; and after ſome debate the Houſe divided; when 238 were for Sir F—— N——— and 125 for the Right Hon. T—— T———d. In the courſe of the debate Sir F—— N——— is ſaid to have delivered himſelf to the following purport.

"That he confeſſed the force of what had been advanced againſt him, as to his profeſſion: That he had indeed been brought

brought up to the laborious profeſſion of the law; that he had followed it with great—very great attention for more than forty years: that conſequently his buſineſs had been very much confined to, and his time taken up in, the *rooms below*: that he had nevertheleſs had the honour, it was well known, to be frequently called up, on important occaſions, to give his opinion in the *upper room*.

"That, for his part, he had had no deſire of the diſtinguiſhed honours which the partiality of his friends had thought him equal to: that there were many m———— preſent, every way qualified to fill the vacant ſeat with great credit; that, however, ſhould it, after all, be the determination of the H——e to confer a poſt of ſo much dignity upon him, he would moſt certainly accept of it.

"That, with reſpect to the objections, which had been thrown out, as to his want of knowledge in the rules and orders of the ſociety, he would candidly confeſs the charge: that he made no pretenſions to an exact knowledge of the rules and orders; that they were too numerous, as well as trivial; that he had been apt to think they rather reflected upon the H——e; that, however, he ſhould conſider it as a worthy object of his purſuit, to learn whatever he ſhould find himſelf unacquainted with; that, if under the above diſadvantages, he ſhould be thought worthy to be elected, he would promiſe to make thoſe rules and orders his conſtant ſtudy; and that he would uſe all his endeavours to become maſter of them.

"That, in ſhort, ſhould he be carried to the vacant chair, he was determined to do his duty in it like an honeſt man; and, when there ſeated, ſhould he find himſelf unqualified for it, they might be aſſured, that without heſitation, he would leave it like an honeſt man."

23. The King went to the Houſe of Peers, when the Commons preſented Sir Fletcher Norton as their Speaker, and his Majeſty approved of him.

Lord Mansfield was appointed to ſupply the place of Lord Chancellor in the Houſe of Lords.

Sir S. S. Smythe, Hon. H. Bathurſt, and Sir R. Aſton, were appointed Lords Commiſſioners for the cuſtody of the Great Seal.

24. The further conſideration on the ſtate of the nation, which, by adjournment, was to come on the 25th in the U——r H——e, was this day put off to the 2d of Feb. on account of Lord C———m's indiſpoſition.

Sir John Cuſt. Bart died.

25. In the L—r H——e, the Right Hon. W— D—dſw—ll moved, in a Committee appointed to conſider of the ſtate of the

n——n,

n——n, "That this H—— is bound in all matters of E——n, "by the law of the land, and the cuſtom and uſage of P——, "being part of the law thereof."

Gen. C—— ſaid, he ſaw nothing in the motion; it was a *trueiſm*; a thing to which every man muſt aſſent; like a reſolution upon Magna Charta, or any other acknowledged law. He was anſwered by Mr. Serjeant G——, who ſaid, it was a *trueiſm*, which could not be too often confirmed; and that Magna Charta itſelf, upon its having been infringed by miniſters at different times, had been confirmed by no leſs than 37 ſubſequent acts. Lord N—— propoſed an amendment as follows: "And that the "determination of this H——, in the caſe of J— W—, Eſq; "expelled, and rendered incapable, is agreeable thereto."

The beſt ſpeakers on both ſides exerted themſelves, and were very ſevere upon each other. Mr. G——, in particular, charged the miniſtry, with having bought (with lottery tickets) the late Addreſs from a ſmall part of the inhabitants of London. The debate laſted till three o'clock next morning; when the H—— divided, 224 were for the amendment, and 180 againſt it.

The following is a liſt of the Minority.

Abdy, Sir A.
Allanſon, Charles
Allen, B.
Aſtley, Sir Edw.
Aubrey, J.
Barré, Col.
Barrow, Cha.
Beauclerk, Aubrey
Belaſyſe, Lord
Bertie, P.
Bethell, Hugh
Blacket, Sir Walter
Blacket, Sir Edw.
Bridgman, Sir H.
Brett, Sir Piercy
Brickdale, M.
Buller, J. jun.
Burke, E.
Burke, W.
Byng, G.
Calcraft, J.
Calcraft, T.
Calvert, N.
Carnac, J.
Cavendiſh, Lord Geo.
Cavendiſh, Lord Fred.
Cavendiſh, Lord John
Cavendiſh, H.
Chomley, N.
Clarke, G. P.
Clavering, Sir Thomas
Clayton, Sir Robert
Clive, Lord
Clive, Geo.
Codrington, Sir W.
Colebrooke, Sir Geo.
Cornwall, Ch. W.
Coventry, Tho.
Coxe, R. H.
Croſby, Braſs
Damer, J. jun.
Damer, Geo.
Davers, Sir Cha.
Dawkins, H.
Dempſter, Geo.
Delaval, Geo.
Donegal, Earl of
Dowdeſwell, W.
Drake, W.
Drake, W. jun.

Dummer

Dummer, T.
Dunning, J.
Featherſtonhaugh, Sir M.
Fife, Earl of
Finch, S.
Fitzmaurice, T.
Fletcher, Sir Rob.
Fletcher, H.
Foley, T. ſen.
Frankland, Sir Tho.
Frankland, W.
Freeman, T.
Fuller, Rich.
Garth, Cha.
Glynn, Serjeant
Goddard, W.
Gordon, W.
Granby, Marquis of
Graves, W.
Gregory, R.
Grenville, George
Grenville, Henry
Griffin, Sir John
Groſvenor, T.
Grove, W. C.
Hambden, Tho.
Hanbury, J.
Hamilton, W. G.
Harbord, H.
Hay, Tho.
Herbert, Rob.
Hobart, G.
Hope, J.
Honeywood, Gen.
Hotham, B.
Howard, Gen.
Howard, Tho.
Hunt, G.
Huſſey, W.
Jennings, Philip
Irwin, Gen.
Johnſton, Geo.
Keck, A.
Keppell, Adm.
Keppell, Gen.
Ladbroke, Sir R.
Lambton, Gen.
Laſcelles, Edwin
Laſcelles, Daniel
Laſcelles, Edward
Legh, P.
Lethieulier, B.
Ludlow, Earl
Luther, J.
Mackworth, Herbert
Manners, John
Manners, Geo.
Martin, Joſ.
Maſham, C.
Maugier, J.
Mawbey, Sir J.
Meredith, Sir W.
Milles, R.
Mollyneux, T. M.
Montague, Fr.
Murray, Ja.
Muſgrave, G.
Norris, J.
Oſbaldiſton, F.
Page, Fr.
Parker, J.
Pennant, R.
Percy, Earl
Phipps, Capt.
Pitt, T.
Plumer, W.
Plumptree, J.
Popham, Edw.
Poulett, Geo.
Pownall, Tho.
Pratt, R.
Pryce, Chace
Pulteney, W.
Ridley, Sir M.
Ridley, M.
Rouſe, Sir John
Ruſhout, J.
Savile, Sir Geo.
St. Aubyn, Sir J.
St. Leger, A.
Salt, S.
Sackville, Lord Geo.
Saunders, Sir C.
Sawbridge, J.
Scawen, J.
Scroope, T.
Scudamore, J.
Seymour, H.
Skipwith, J.
Standert, F.
Southwell, Edw.
Stopney, J.

Strachey,

Strachey, H.
Sturt, H.
Sutton, Lord Geo.
Sutton, Richard
Taylor, Paris
Tempeſt, J.
Thomond, Lord
Thompſon, B.
Thoroton, T.
Townſend, James
Trecothick, B.
Turner. Chas.
Verney, Earl
Vernon, Ven.
Walſh, J.
Walſingham, B.
Walter, J.
Weddell, W.
Wenman, Lord
Wedderburn, A.
Weſt, J.
Whately, T.
Whitworth, R.
Willoughby, T.
Winnington, Sir Edw.
Worge, R.
Wray, Sir C.
Yonge, Sir G.

180

Vincent, Sir Francis
Townſhend, Rt. H. Thos,

182.

28. This Day the following noblemen and gentlemen dined with the Earl Temple, at his houſe in Pall-mall;

The Dukes of Manchester,
Northumberland,
The Earls of Berkeley,
Beſborough,
Buckingham,
Coventry,
Shelburne,
Suffolk,
Tankerville,
The Lords Craven,
Milton,
Right Hon. George Grenville,
Earl Percy,

30. And this day the following noble peers dined with his Lordſhip, at his houſe in Pall-mall;

The Dukes of Bolton,
Portland,
Richmond,
Marquiſſes of Rockingham,
Granby,
Earls of Albemarle,
Aylesford,
Buckingham,
Fitzwilliam,
Scarborough,
Stamford,
The Lords Forteſcue,
Groſvenor,
Hyde.

29. His Grace the Duke of Grafton reſigned his poſt of Firſt Lord of the Treaſury.

30. His Grace wrote a letter to the board, acquainting them of his reſignation.

A REGISTER *of* NEW PUBLICATIONS, *with their Prices and Publiſher's Names.*

Names and Size.	Price. l.	s.	d.	Pub. Names.
A Letter to Dr. Blackſtone from Sir W. M. 8vo.		1	6	Woodfall.
The Court of Alexander, an Opera, 8vo.		1		Waller.
Mathematical principles of Geography, 8vo.		7		Nourſe.
Letters between the Lord Chancellor, the Sheriffs of London, and Secretary of State.		1		Davis.
The Free Britons ſupplemental Memorial to Parliament, 4to.		1	6	Williams.
A firſt Letter to the Duke of Grafton, 8vo.		1	6	Fell.
Fearn's anſwer to Junius, 8vo.		1		Murray.
An Ode to the People of England, 8vo.		1		Kearſly.
The Auction, a Poem, 4to.		2		Kearſly.
A Letter to William Blackſtone, Eſq; 8vo.			6	Davenhill.
A Diſcourſe on the extent of ſocial Liberty, by the Rev. Geo. Marriott, 8vo.		2		Almon.
The Hiſtory of the Negociations for Peace concluded at Belgrade, 1739, between the Emperor of Ruſſia and the Ottoman Porte, 8vo.		5	3	Murray.
Ionian Antiquities, by Chandler, Revett and Pars	1	11	6	Dodſley.
A Letter to a great Peer concerning the late Lord Eglington			6	Henderſon.
The Queſtion and the Negative proved, that the Right of the Elector hath not been violated in Mr. Wilkes's Expulſion, in a Letter to John Brown, Eſq; 8vo.		1		Bladon.
Lord Primate Boulter's State Letters, 2 vols. 8vo.		10		Horsfield.
The Caſe of Mungo Campbell, by John Maclaurin, Eſq; Advocate,				Robinſon.
Reflections on Advantages from draining, incloſing, and alloting Commons, 8vo.		1	6	White.

Names and Size.	Price. l.	s.	d.	Pub. Names.
The placid Man, or Memoirs of Sir Char. Beville, 2 vols. 12mo.		6		Dodſley.
Muller's new Syſtem of Mathematics, 8vo.		10	6	Cadell.
The Sultan, a Tragedy, 8vo.		1	6	Bell.
Peregrinations of the Mind, 8vo.		2	6	Pearch.
A Treatiſe on the parallactic Angle, in a Letter to the late Lord Macclesfield, 4to.		3	6	Murray.
Twelve Letters of Canana, 8vo.		1		Davis.
The Fragment, or Part of a Dialogue between Sir Robert Walpole, and a late M——r of the B—— L——, 8vo.		1		Evans
Fables for grown Gentlemen in the Year 1770, 4to.		2		Dodſley.
A ſeaſonable Addreſs to the People of London and Middleſex, upon the critical Situation of public Affairs, 8vo.		1		Becket.
Sentimental Lucubrations, 8vo.		2	6	Ditto.
Dr. Caverhill's Experiments on the Cauſe of Heat in Animals, 8vo.		1	6	Robſon.
Poſthumous Works of a late celebrated Genius, 2 vols.		5		Almon.
Letters from Lothario to Penelope, with Lucinda, a Dramatic Entertainment, 2 vols.		5		Becket.
The Fortunate Blue Coat Boy, or the Memoirs of Mr. Benjamin Templeman, 2 vols. 8vo.		5		Cooke.
Poems by a young Clergyman, 4to.		2	6	Smart.
A Charge to the Grand Jury of Middleſex, by John Hawkins, Eſq; Chairman, 8vo.			6	Worrall.
The Falſe Alarm, 8vo.		1		Cadell.
The Criſis, in Anſwer to the Falſe Alarm, 8vo.		1		Murray.
Treatiſe on the Pine Apple, by Adam Taylor, 8vo.		3		Robinſon.
The Maid of Quality, a Novel, 2 vols. 8vo.		6		Vernor.
The Deſerter, a Poem, 8vo.		1		Robſon.

BRITISH MUSEUM
6 FEB 56

The Constitution.



The Justices were all for Law; and nothing would please them but Law; but they should find that the **King's Little Finger** *should be heavier than the Loines of the Law.*

Impeachment of Lord Strafford.
Article 2.

THE LONDON MUSEUM

For MARCH 1770.

For the LONDON MUSEUM.

The following is an authentic *copy of* SIR GEORGE MACARTNEY'S *Speech in the Houſe of Commons of Ireland, in ſupport of the Privy-Council Money-Bill.*

[The bill was read for the firſt time on the 21ſt of November. On the ſecond reading, towards the cloſe of the debate, this ſpeech was delivered.]

Mr. SPEAKER,

"HITHERTO I have remained ſilent during the debate; the deep ſorrow which I feel from the proceedings of this day, render me very unfit to ſpeak upon the preſent occaſion; and nothing but the warm and ſincere affection which I bear to this country, could engage me (after ſo many gentlemen far abler than I am, have delivered their opinions) to obtrude my ſentiments on the Houſe, or to treſpaſs on their attention at ſo late an hour. But I ſhould be wanting in duty to myſelf, to my Sovereign and to Parliament, whoſe intereſts, united, whoſe welfare and happineſs, are the objects neareſt to my heart, if I did not uſe every endeavour, if I did not ſtrain every nerve, to prevent the error, the fatal error, into which we are, at this moment, on the brink of falling.

For, what are we now going to do? we are going to reject a bill which has been ſent down to us, in the uſual form, that bills on ſuch an occaſion as this, the meeting of a new Parliament, have always been ſent down to us, from the year 1496 to the preſent time.

" No gentleman has yet produced an inſtance of a new Parliament's aſſembling and rejecting a money-bill of this kind. There is but one inſtance, I mean that of the year 1692, during the Lieutenancy of my Lord Sidney, and what was the conſequence of that proceeding it is unneceſſary for me to recite; it is well known, I believe, to every gentleman who hears me. I therefore muſt rely upon it, and lay it down as the conſtant regular uſage for near 300 years paſt, in every Parliament where money has been granted, either at the firſt or at any ſubſequent ſeſſion of it, to tranſmit one or more money-bills before calling ſuch Parliaments, and except in the ſingle inſtance I have mentioned, ſuch bills never were rejected.

" This money-bill, Sir, is a kind of fine, [*Here he was called to order by Mr. Burgh and Mr. Huſſey, who demanded to know what he meant, and whether a Parliament would not have been called if a money-bill had not been ſent over, upon which he begged pardon for his expreſſion*] which we pay for the renewal of Parliament; it is the cauldron of Medea, which (if I may uſe the expreſſion of my honourable friend upon the floor) waſhes away the ruſt we may contract by too long ſitting here, and reſtores Parliament to its priſtine youth and vigour.

" Gentlemen have treated the Privy Council with a freedom which I did not expect to meet with in this aſſembly. I do not riſe to ſpeak in favour of the Privy Council, becauſe, accidentally, and by my office, I happen to be a member of that board; but I think it my duty to remind Gentlemen that the Privy Council of this kingdom is, in ſome reſpect, a branch of our legiſlature;" [*Here ſeveral of the members cried out*, No! No!] " I am ſure it is one of the moſt ancient branches of our conſtitution, as old, if not older than Parliament itſelf. To the Privy Council it is that we are partly indebted for our ſitting here at this hour; for if the Privy Council had not certified this very money-bill which we are now agitating, no

Parlia-

Parliament, conſtitutionally, could have been called. But I ſhall not enlarge on the ſubject, it has already had the good fortune of being diſcuſſed by the ableſt hands, the point has been clearly ſtated, it has received every aſſiſtance that could be given it by the ſtrongeſt powers of reaſoning, it has received every advantage that the moſt glowing colours of eloquence could adorn it with, it would therefore be impertinence in me to attempt to draw new ideas, or arguments, from a ſubject which is already exhauſted—But I cannot avoid addreſſing myſelf to the gentlemen who, ſome years ſince, on a ſimilar occaſion, ſupported a ſimilar queſtion by no leſs a majority than 147 to 37, as appears on your Journals.—Since there is no gentleman in this Houſe who can ſo far depart from that conſiſtency and ſteadineſs which conſtitute the dignity of the ſenatorial character, as to determine *that* to be wrong in 1769, which they decided to be right in 1761 ; I never will believe that gentlemen will falſify their own conduct, or baſely deſert thoſe principles which did them ſo much honour on a former occaſion ; it is impoſſible ; I cannot think ſo meanly of mankind.

" Let me obſerve too how ſeriouſly this queſtion has been taken up on the other ſide of the water. † A Right Honourable friend of mine loſt his employment for refuſing to certify a money-bill, not many years ſince ; and another perſonage, ‡ a noble perſonage for whom I have the utmoſt reſpect, who acted on that occaſion a different part, received not only the higheſt approbation of his Sovereign for his conduct, but a very ſignal mark of Royal favour towards him ſoon followed.

" *You*, Sir, if I am not miſinformed, certified a money-bill in 1761, and your friends ſupported it in Parliament, where it paſſed by the great majority I have already mentioned." [*Here Mr. Ponſonby, the Speaker of the Houſe of Commons, roſe from the chair, and abſolutely denied it, upon which Mr. Longfield got up and moved, that Sir George Macartney ſhould be brought to the bar, for having inſulted the Speaker, by accuſing him of a crime,*

† Mr. Anthony Malone.

‡ The Earl of Kildare, who was made a Marquis on that occaſion, and ſoon after a Duke.

of which he was not guilty. But Sir George begged pardon of Mr. Speaker, and of Mr. Longfield, in particular, and of the whole Houſe in general; and then proceeded, addreſſing himſelf to the chair.]

" Sir, as to the fact of your certifying a money-bill in 1761, I always underſtood that you had done ſo, but as you have ſo *ſolemnly denied it*, I take it for granted that I was miſinformed, and therefore aſk your pardon.—As to the gentlemen who called out, " bar, bar," I ſhall be very ready to go there, if it be the ſenſe of the Houſe.

" But to return, Sir! after all, let me ſeriouſly aſk, what it is that is contended for; a point of form, a punctilio, a ceremony, a courteſy which an affectionate younger ſiſter has always paid to her elder, from her tendereſt years; a civility of preſcription, which eſtabliſhes no new claim, abrogates no old pretenſion. An elder ſiſter, however affectionate, may become jealous of her younger for ſome omiſſion, perhaps an unimportant one, and conſtrue that omiſſion to be an injury, a premeditated injury. If ſuch ſhould be our caſe with regard to Great-Britain, I know not what evils may follow. God forbid any ſhould, but if any threaten us, let us now prevent them by our foreſight and diſcretion. The proſperity, the glory, the happineſs of Ireland, perhaps, depends on the deciſion of this hour, and ſhall we raſhly put our all to the hazard, where much may be loſt, where little can be obtained?

" Let me addreſs you, Sir! let me addreſs the Houſe, as a ſuppliant for our country, for our common parent; let me implore the aſſiſtance of you every one, let us try no new experiments in our preſent diſtreſſed and divided ſtate, this is not a time for ſuch proceedings. As a public man, as a private man, I ſhall object to all innovations. As a friend to *Great-Britain* and to *Ireland*, whoſe intereſts, if rightly underſtood, are the ſame, are inſeparable; I muſt intreat that this bill ſhould not be rejected; at leaſt poſtpone the reading of it to a longer day, but let us not in a raſh moment do, what nothing can repair, or caſt out of our reach what neither wiſdom nor time can recover."

The Houſe divided, 94 were for rejecting the bill, and 71 were for receiving it. It was then reſolved, That the bill is rejected becauſe it did not take its riſe in this Houſe.

For the LONDON MUSEUM.

THE following ſp——s you will find GENUINE. If you chuſe to inſert them in your *Muſeum*, which is admired, they are at your ſervice. They were made in the H—— of L——, on Friday the 2d of February, 1770. No other Introduction is neceſſary.

Your friend,

SHORT HAND.

Sp—— of the E—— of S——.

—— ——,

" HOW the preſent matter that now lies before us ever came to be a queſtion in debate, or how it could be ſuppoſed that this aſſembly ſhould, or *could* take cognizance of an affair that does not, in any reſpect apply to them, (the expulſion and incapacitation of m——rs being acts only relative to the communities to which they immediately belong) is to me an object of as much ſurpriſe, as any I ever met with in the courſe of my being a member of this aſſembly.

" Though the impropriety of this proceeding could be very eaſily expoſed in theory, by proving particular inherent rights in either aſſemblies, uncontroulable by any other power, I ſhall avoid launching into ſo wide a field, and confine myſelf to the hiſtory of our records, where we ſhall find many inſtances to prove, the independent power either H—— has in the article of expulſion and incapacitation;—two fall immediately under my memory, which, as they are directly ſimilar, I ſhall beg leave to remind your Lordſhips of.

" The firſt was Lionel Earl of Middleſex, in the reign of Charles II. who for certain crime and miſdemeanors was conſidered, not only as an improper perſon to officiate for the *preſent*, but for *ever* precluded, and incapacitated to ſerve in this aſſembly. The other was that of Lord Bacon, who, though a man of acknowledged great capacity, yet on account of bribery and corruption being proved againſt him, ſhared the ſame fate of the Earl of Middleſex. Indeed this laſt inſtance is ſo very notorious that I ſhould not mention it to

" your

your ———, but that it applies ſo directly to my preſent purpoſe.

" In both theſe caſes which I have quoted, we find no alarm from any of the other branches of legiſlation; they ſtood quite ſilent and undiſturbed, knowing their interference was improper as well as unneceſſary; nor was there ſo much as a ſuppoſal, that either the laws of this aſſembly, or thoſe of the land, had been, in the leaſt, violated, or broke in upon.

" I ſhould be glad to know, my ——, how came this doctrine of late to be broached? Who ſhould be the moſt naturally tenacious of their own liberties and privileges, but the m—rs of that aſſembly themſelves? Yet great as the paradox is, we find numbers of thoſe very m—rs, both in the H— and out of it, uſe every effort to diveſt themſelves of this privilege. How then are we to explain ſuch unaccountable conduct? but that the ſpirit of party has gone abroad, and has been ſucceſsful in its wiles and ſeduction. If any encroachment, indeed, had been made on the other branches of legiſlation, either on this aſſembly or the royal prerogative, then it would, indiſpenſably, behove us to interfere for the benefit of the whole; but as neither of theſe have happened, as the affair is only a point that reſpects the honour of their own aſſembly, let us leave it to themſelves to determine it as they like.

" But it is urged by the noble M—q—s who opened the debate, " that an alarm is gone forth among the people; that their minds are diſquieted; that the laws of the land have been trampled on; that the grievances they have petioned for are left unredreſſed; and to cloſe this dreadful catalogue of evils, the *member* which they have repeatedly returned, has been as *repeatedly* rejected, and finally incapacitated." Though I have the higheſt opinion of the noble M—q—s's veracity in other reſpects, I muſt beg leave to think he is very much miſtaken in the former part of his aſſertions. I have been at ſome pains (from the buſtle this alarm firſt created) to examine, with as much degree of accuracy and impartiality as I was capable, into its *real* ſituation, and I have found it, on the ſtricteſt ſearch, to be nothing more than a faction, firſt ſet on foot by the daring and ambitious, and occaſionally

ſupported

ſupported by the deſperate, neceſſitous, and ignorant. But let us take the fact as repreſented. We are told that the *majority* of the people of England have petitioned for a redreſs of grievances. Now the *whole* of the people of England are contained within *forty counties*; *th irteen* only of which have petitioned. This, my ——, on the firſt view, requires no deep calculation, no abſtract knowledge of numbers to tell that *thirteen* is not quite *one third* of *forty*, though it is roundly aſſerted, that the *whole* of the people of England have petitioned. If we will further ſuppoſe (which we may very impartially do) that a number of thoſe who have ſigned the petitions poſſeſs no manner of freehold, but are led thither either by the general preſſures of poverty, the want of an immediate meal, or the future hopes of ſome better eſtabliſhment; if we will, likewiſe, conſider what a number have been *intimidated* into it (I ſay *intimidated*, my ——, for if we look into the Gazette, we will there find menacing letters, frequently directed to thoſe who had firmneſs of mind, and good ſenſe ſufficient to be guided by their own opinions in theſe matters;) we ſhall, even in theſe thirteen counties, find the number ſo leſſened, as not to make up *really* a twentieth part of his Majeſty's ſubjects.

And ſhall the ſupplications then of ſo ſmall a number, be conſidered as the general voice of the people? are privileges to be broke in upon, and arbitrary dictums to be complied with, becauſe a few factious, diſcontented people would have it ſo? forbid it reaſon! forbid it juſtice!

" I remember, my ——, ſome years ago, when I was a M——r of the Lower H——, there was a remonſtrance from *two* Aldermen of the town I repreſented, complaining (in the name of the *whole*) of ſome corporation fraudulencies. When the H—— began to conſider that the corporation conſiſted of a great many members, and that but *two*, out of ſo many, had complained, they ſet the remonſtrance aſide, as nugatory and frivolous; judging, very properly, if any real grievance had exiſted, it would have been better ſupported.

" Let us then, my ——, be ſuperior to theſe falſe alarms —the feeble echoes of deſpondence and ambition. Let us act like the real guardians of the nation, ſteady in ſupporting the

privi-

privileges of the people, but not too forward to appear when no *real* danger preſſes.

" If the H—— of C—— think themſelves inſulted, by having a M——r forced upon them, whoſe private or public qualities are obnoxious to them, let them determine it among themſelves; it would ill become us to widen the breach, by creating a rupture between two ſuch branches of legiſlation, on whoſe unanimity and concord every thing depends that is conducive to the *real* intereſts of the people, or the honour of the C——n.

The E—— of Ch——m's Reply.

—— ——,

" I RISE in this debate merely for the good of my country, which, I think, never ſtood in greater need of aſſiſtance, ſince I had the honour of being a M——r of either Aſſembly; the caſe in point being, not only a *bare* extenſion of privilege, but an infraction on the common liberties, and an open, and daring violation of the laws of the land.

" The —— ——, who ſpoke laſt, has been very adroit in referiſig to the records of this aſſembly, and collecting every circumſtance that he thought would ſpeak to his purpoſe; though my long, and almoſt continued infirmities, have, in a great meaſure, precluded me this reſource, and denied me even the hour of *eaſe*, as well as ſatisfaction, ſtill, I think, I can very readily fruſtrate both theſe inſtances that he has urged in favour of his opinion.

" I will, firſt then, readily allow the facts as the —— —— has ſtated them; " that Lionel, Earl of Middleſex, as well as Lord Bacon, were both for certain crimes and miſdemeanors, expelled this aſſembly, and incapacitated from ever ſitting here, without the interference or mediation of the other branches of legiſlation." But theſe two were both caſes that *only* reſpected themſelves, and, conſequently, could not, with any degree of propriety, be meddled with by any other branch of legiſlation. But in the caſe of Mr. Wilkes, it is not ſo much his perſonal ſufferance we complain of, as the rights and liberties of the people being trampled upon in their Repreſentative;

ſentative; therefore, my ——, the caſes are as widely different as north from ſouth. But I will allow the n—— —— a ſuccedaneum to his argument, which, probably, he has not, as yet, thought of. I will ſuppoſe he argues, "that whatever authority gives a ſeat to a P—r, it is, at leaſt, equally as reſpectable as to a C—m—r, and that both in expulſion and incapacitation the injury is directly the ſame:"—Granted; and I will further allow, that if Mr. Wilkes had not been *re-elected* by the people, the firſt expulſion, I believe, would be efficient. Therefore, my ——, you ſee this compariſon muſt fall to the ground; for, except theſe noble Lords mentioned, had received a freſh title, either by birth or patent, they could not poſſibly have any claim after the firſt expulſion.

"The n—— —— aſks, "How came this doctrine to be broached?" And adds, "Who ſhould be moſt tenacious of their liberties and privileges but the M—b—rs themſelves?" In reſpect to the latter part of this queſtion, I agree none ſhould be ſo proper as themſelves to protect their own rights and privileges; and I ſincerely lament that they have, by their recent conduct, ſo far forgot what thoſe privileges are, that they have added to the long liſt of venality from *Eſau* down to the preſent day. In regard to the firſt part, "How came this doctrine to be broached;" I muſt beg leave to acquaint that noble —— it is as old as the conſtitution itſelf; the liberties of the people in the original diſtributions of Government, being the firſt thing provided for; and in the caſe of Mr. Wilkes, though we have not inſtances as numerous as in other caſes, yet it is, by no means, the leſs conſtitutional; like a comet in the firmament, which, however it may dazzle and ſurpriſe the vulgar and untutored, by the infrequency of its appearance, the philoſopher, verſed in aſtronomic ſcience, it affects no more than any other common proceſs of nature, being equally ſimple, and equally accountable for.

"Need I remind you, my ——, at this period, of that common ſchool-boy poſition, "that the conſtitution of this country depends upon King, Lords, and Commons, and that each by their power are a ballance to the other." If this is not the caſe, why were the three eſtates conſtituted? Why ſhould it be neceſſary before an act of Parliament takes place, that their mutual concurrence ſhould be had. My ——, I

am aſhamed to trudge on in this common tract of argument, and have no apology to make, but that I have been dragged into it, by the noble ——'s aſſerting, "We had no right to interfere with the privileges of the other H——."

"The n—— —— has been very exact in his calculation of what proportion the people who have petitioned bear to thoſe who have not; and did the affair reſt, merely, on *this* calculation, his argument would be unanſwerable; but will he conſider what numbers, whoſe private ſentiments felt all the rigour of P—l—ry proceedings, but for want of a few *principals* to call them together, and collect their opinions, have died away, and never reached the ear of their Sovereign. If we add to this number the intereſt made uſe of on the ſide of g—v——t, to ſuppreſs all petitions, with the authority that place-men have neceſſarily over their dependents, it is very ſurpriſing, that out of *forty* counties, *thirteen* had ſpirit and independence ſufficent to ſtem ſuch a tide of venality. But I will ſuppoſe, that this was not the caſe, that no undue influence was made uſe of, and that hence but one third of the people think themſelves aggrieved; are *numbers* to conſtitute right? are not the laws of the land fixed and unalterable? and is not this proceeding complained of, or any other, (ſupported even but by *one*) to be tried, and adjudged by theſe laws? Therefore, however the n—— —— may excel in the doctrine of calculation, as a ſpeculative matter, it can by no means ſerve him, urged in the courſe of argument.

"Let us not then, my ——, be deaf to the alarms of the people, when theſe alarms are founded on the infringement of their privileges, and not (as the noble —— has ſaid) "in the feeble echoes of deſpondence and ambition!" Let us not ſit neutral and inattentive to the proceedings of the other H——, but point out to them (as an aſſiſtant branch of l——n) their duties, and privileges. We are, equally with them, entruſted with the people's rights, and we cannot conſcientiouſly diſcharge our duties, without our interference, whenever we find thoſe rights, in any part of the conſtitution, trampled on.

"I have, my ——, treſpaſſed a great deal on your patience, at this late hour of the night, when the length this debate has run into, muſt have occaſioned great waſte of ſpirits.

rits. I have ſikewiſe treſpaſſed a great deal upon my own conſtitution; but I ſhall apologize to neither, ſince it is the ſervice of my country demands it. In her defence, my ——, we cannot be too long—no time can be loſt—no hardſhips can be complained of. As for my particular part, worn out with age and infirmities as I am, I ſhall ever freely ſacrifice, if neceſſary, the poor remains of my *natural* conſtitution, in the ſupport of the *political one* of my country.

For the LONDON MUSEUM.

THE following paper has been communicated to ſome perſons, friends of the gentleman who drew it up. It is known to be written by Governor POWNALL. As it is a printed paper, and has fallen into the hands of the Editor, he hopes the Hon. Gentleman will excuſe its being preſerved in this work.

SIR,

I HAVE in the encloſed paper endeavoured to ſtate the FUNDAMENTAL PRINCIPLES ON WHICH THE CONSTITUTIONS OF THE COLONIES ARE ESTABLISHED. I have done it in order to remedy that indiciſion and indigeſtion which one has ſeen to have ariſen in *councils*, in order to obviate thoſe prejudices which one has ſeen formed into *reſolutions*, and to prevent thoſe *errors in conduct*, which have made ſuch confuſion, and done ſo much miſchief in the adminiſtration of our American affairs. And I have ſo done it, becauſe I have obſerved, that all that indeciſion, prejudice and error, hath ariſen from our inadvertently conceiving, that we are competent to draw *conſequences*, or to judge of ſuch, when drawn, without having previouſly aſcertained thoſe *principles* from which ſuch conſequences ought or ought not to be drawn.

The paper conſiſts of a chain or ſeries of theorems, diveſted of all comment and reaſoning, by which the truth of theſe theorems may be demonſtrated, by which their connection with or derivation from each other, may be proved: the inveſtigation of this reaſoning, and the applying the comment of exiſting caſes, may be, to you, the amuſement of ſome lei-

ſure hour; and the very attention to that inveſtigation, may lead to the diſcovery of truths reſpecting the great ſyſtem of the whole Britiſh empire, at preſent little thought of, and ſcarce even ſuſpected, and which, perhaps, it would not be prudent at this time to mark and point out.

I am, Sir,

Your moſt obedient and moſt humble Servant,

——— ———.

To the Right Hon. * * * * * *.

STATE *of the* CONSTITUTION *of the* COLONIES.

I. WHENEVER any *Engliſhmen* go forth *without the realm*, and make ſettlements *in partibus exteris*—"Theſe ſettlements, as *Engliſh* ſettlements, and theſe inhabitants, as "Engliſh ſubjects, *carrying with them the laws of the land*, "wherever they form colonies, and receiving his Majeſty's "protection by virtue of his royal charter *," or commiſſions of government, "have, and enjoy all liberties and immunities of free and natural ſubjects, to all intents, conſtructions, and purpoſes whatſoever, as if they, and every of them "were born within the realm †;" and are bound by the like allegiance as every other ſubject of the realm.

II. Therefore the common law of *England*, (except as hereafter excepted) and all ſuch ſtatutes as were enacted and in force at the time in which ſuch ſettlers went forth, and ſuch colonies and plantations were eſtabliſhed, together with all ſuch alterations and amendments as the ſaid common law may have received, is from time to time, and at all times, the law of thoſe colonies and plantations.

III. Therefore all ſtatutes touching the right of the ſucceſſion, and ſettlement of the crown, with the ſtatutes of treaſon relating thereto; ‡ all ſtatutes regulating or limiting the

* Pratt and York. † General words in all charters.

‡ All ſtatutes reſpecting the general relation between the crown and the ſubject; not ſuch as reſpect any particular or peculiar eſtabliſhment of the realm of *England*; as for inſtance; by the 13th and 14th of *Car.* II. c. 2. the ſupreme military power is declared to be in general, without limitation, in his majeſty, and to have alway been of right annexed to the office of king of *England*

the general powers and authority of the crown, and the exerciſe of the juriſdiction thereof; all ſtatutes declaratory of the rights and liberty of the ſubject, do extend to all *Britiſh* ſubjects in the colonies and plantations, as of common right, and as if they, and every of them, were born within the realm.

IV. All ſtatutes enacted ſince the eſtabliſhment of colonies and plantations, do extend to, and operate within the ſaid colonies and plantations, in which ſtatutes the ſame are ſpecially named.

V. Statutes and cuſtoms which reſpect only the ſpecial and local circumſtances of the realm do not extend to and operate within ſaid colonies and plantations, where no ſuch ſpecial and local circumſtances are found.—Thus the eccleſiaſtical and canon law, and all ſtatutes reſpecting tithes—The laws reſpecting courts baron, and copyholds—The game acts—The ſtatutes reſpecting the poor, and ſettlements; and all other laws and ſtatutes having ſpecial reference to ſpecial and local circumſtances and eſtabliſhments within the realm—do not extend to, and operate within theſe ſettlements *in partibus exteris*, where no ſuch circumſtances or eſtabliſhments exiſt.

VI. No ſtatutes made ſince the eſtabliſhment of ſaid colonies and plantations, except as above deſcribed, in articles III. and IV. do extend to, and operate within ſaid colonies and plantations.

Quære.—Would any ſtatute made ſince the eſtabliſhment of ſaid colonies and plantations, which ſtatute imported to annul and aboliſh the powers and juriſdictions of their reſpective conſtitutions of government, where the ſame was not contrary to the laws, or any otherwiſe forfeited or abated; or which ſtatute

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land, throughout all his Majeſty's realms and dominions—Yet the enacting clauſe, which reſpects only the peculiar eſtabliſhment of the militia of *England*, extends to the realm of *England* only—So that the ſupreme military power of the crown in all other his majeſty's realms and dominions ſtands, *as to this ſtatute*, on the baſis of its general power, unlimited: however, the ſeveral legiſlatures of his majeſty's kingdom of *Ireland*, of his dominions of *Virginia*, and of the ſeveral colonies and plantations in *America*, have, by laws to which the king hath given his conſent, operating within the precincts of their ſeveral juriſdictions, limited the powers of it, and regulated the exerciſe thereof.

tute imported to take away, or did take away, the rights and privileges of the ſettlers, as *Britiſh* ſubjects.—Would ſuch ſtatute, as of right, extend to, and operate within ſaid colonies and plantations?

Upon the matters of fact, right, and law, as above ſtated—it is —That the *Britiſh* ſubjects thus ſettled in *partibus exteris* without the realm, ſo long as they are excluded from an entire union with the realm as parts of, and within the ſame, have a right to have, as they have, and to be governed by, as they are, a diſtinct intire civil government, of the like powers, pre-eminences, and juriſdictions, (conformable to the like rights, privileges, immunities, franchiſes, and civil liberties) as are to be found and are eſtabliſhed in the *Britiſh* government, reſpecting the *Britiſh* ſubject within the realm.

Hence alſo it is, that the rights of the ſubject, as declared in the petition of rights—that the limitation of the prerogative, by the act for aboliſhing the ſtar-chamber, and for regulating the privy council, *&c.* Hence it is, that the Habeas Corpus act—the ſtatute of frauds—the bill of rights—do of common right extend to, and are in force within ſaid colonies and plantations.

Hence it is, that the freeholders within the precincts of theſe juriſdictions have, as of right they ought to have, a ſhare in the power of making thoſe laws which they are to be governed by—by the right which they have of ſending their repreſentatives to act for them, and to conſent for them in all matters of legiſlation; which repreſentatives, when met in general aſſembly, have, together with the crown, a right to perform, and do all the like acts reſpecting the matters, things, and rights, within the precincts of their juriſdiction, as the parliament hath reſpecting the realm and *Britiſh* dominions.

Hence alſo it is that all the executive offices, from the ſupreme civil magiſtrate, as locum tenens, to the king, down to that of conſtable and headborough, muſt of right be eſtabliſhed with all and the like powers, neither more nor leſs than as defined by the conſtitution and law, as in fact they are eſtabliſhed.

Hence

Hence it is, that the judicial offices and courts of juſtice, eſtabliſhed within the precincts of ſaid juriſdictions, have, as they ought of right to have, all thoſe juriſdictions and powers "as fully and amply to all intents and purpoſes whatſo-"ever, as the courts of King's Bench, Common Pleas, and "Exchequer, within his Majeſty's kingdom of *England*, "have, and ought to have, and are empowered to give judg-"ment, and award execution thereupon ‖."

Hence it is, that by the poſſeſſion, enjoyment, and exerciſe of his Majeſty's great ſeal delivered to his Majeſty's governor —there is eſtabliſhed, within the precincts of the reſpective juriſdictions, all the ſame and like powers of chancery (except where by charters ſpecially excluded) as his Majeſty's chancellor within his Majeſty's kingdom of *England*, hath, and of right ought to have, by delivery of the great ſeal of *England*. —And hence it is, that all the like rights, privileges, and powers, follow the uſe, exerciſe, and application of the great ſeal of each colony and plantation within the precincts of ſaid juriſdiction, as doth, and ought of right to follow the uſe, exerciſe, and application of the great ſeal.

Hence alſo it is that appeals in real actions, "whereby the "lands, tenements, and hereditaments of *Britiſh* ſubjects may "be drawn into queſtion and diſpoſed of ¶," do not lie, as of right and by law they ought not to lie, to the King in council.

Hence alſo it is that there is not any law now in being, whereby the ſubject within ſaid colonies and plantations can be removed ** from the juriſdiction to which he is amenable in all his rights, and through which his ſervice and allegiance muſt

‖ Law in *New England*, confirmed by the crown, *Oct.* 22, 1700.

¶ 16th *Car.* I. c. 10.

** The caſe of the court erected by act of Parl. 11 and 12 W. III. c. 7. (ſince the enacting of the Habeas Corpus act) for the trial of piracies, felonies, and robberies committed in or upon the ſea, or in any haven, river, creek, or place where the *admiral has juriſdiction*, does no way affect this poſition: nor does the 14th §. of ſaid ſtatute directing that the commiſſioners, of whom ſuch court conſiſts, may iſſue their warrant for apprehending ſuch pirates, &c. in order to their being tried there [in the colonies] or ſent into England, any way militate with the doctrine here laid, nor can it be applied as the caſe of a juriſdiction *actually exiſting*, which ſupercedes the juriſ-

muſt be derived to the crown, and from which *no appeal* lies in criminal cauſes, ſo as that ſubject may become amenable to a juriſdiction foreign to his natural and *legal reſiancy*, to which ſuch foreign juriſdiction he may be thereby tranſported, and under which he may be brought to trial, and receive judgment, contrary to the rights and privileges of the ſubject, as declared by the ſpirit and intent, and eſpecially by the 16th § of the Habeas Corpus act. And if the perſon of any ſubject within the ſaid colonies and plantations ſhould be ſeized or detained by any power iſſuing from any court without the juriſdiction of the colony where he then had his legal reſiancy, it would become the duty of the courts of juſtice within ſuch colony (it is undoubtedly of their juriſdiction ſo to do) to iſſue the writ of Habeas Corpus ††.

Hence

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juriſdiction of the courts in the colonies and plantations, and authoriſes the taking the accuſed of ſuch piracies, &c. *from thoſe juriſdictions*, and the ſending ſuch to England for trial, I ſay it cannot be applied as a caſe ſimilar and in point to the application of an act (paſſed in 35th of Hen. VIII. concerning the trial of treaſons, &c.) lately recommended, in order to the ſending perſons accuſed of committing ſuch *in the plantations* to England for trial—Becauſe this act of 11 and 12 W. III.c. 7. reſpects *crimes* committed in places "where the admiral has juriſdiction;" and *caſes* to which the juriſdictions of thoſe provincial courts *do not extend*; which is not the caſe of treaſons committed within the precincts of thoſe juriſdictions where there are courts competent to try ſuch crimes, and to give judgment thereupon, and where the trials of ſuch are regulated by law; and wherein the King hath given direction to his governor as to the reſpiting the execution of judgment. Nor can the ſaid act of the 35th of Hen. VIII. which provides remedy for a caſe which ſuppoſes the want of due legal juriſdiction, be any way, or by any rule, applied to a caſe where there is due, legal, and competent juriſdiction.

†† By referring to an old act made for the trial of treaſons, *committed out of the realm*, by ſuch perſons as had *no legal reſiancy but within the realm* and who were of the realm—By applying the purview of that ſtatute which was made to bring *ſubjects of the realm*, who had committed treaſon *out of the realm*, (where there was no criminal juriſdiction to which they could be amenable) to trial within the realm, under that criminal juriſdiction to which alone by their legal reſiancy and allegiance they were amenable—By applying this to the caſe of ſubjects *whoſe legal reſiancy is without the realm*, and who are by that reſiancy and their allegiance amenable to a juriſdiction authoriſed and empowered to try and give judgment upon all capital offences whatſoever, without appeal

Hence alſo it is that in like manner as "the command and "diſpoſition of the militia, and of all forces by ſea and land, "and of all forts and places of ſtrength, is, and by the laws "of *England* ever was, the undoubted right of his Majeſty, "and his royal predeceſſors, *Kings and Queens of England*, "within all his Majeſty's realms and dominions ‡‡," in like manner as the ſupreme military power and command (ſo far as the conſtitution knows of and will juſtify its eſtabliſhment) is inſeparably annexed to, and forms an eſſential part of, the office of ſupreme civil magiſtrate, the office of King; in like manner, in all governments under the King, where the conſtituents are *Britiſh* ſubjects, and of full and perfect right entitled to the *Britiſh* laws and conſtitution, the ſupreme military command, within the precincts of ſuch juriſdictions, muſt be inſeparably annexed to the office of ſupreme civil magiſtrate, his Majeſty's regent, vice-gerent, lieutenant, (or locum tenens, in what form ſoever eſtabliſhed) ſo that the King cannot by any §§ commiſſion of regency, by any commiſſion or charter of government, ſeparate or withdraw the ſupreme command of the military from the office of ſupreme civil magiſtrate, either by reſerving this command in his own hands, to be exerciſed and executed independent of the civil power—nor by granting a diſtinct commiſſion to any military com-

peal—By thus applying the ſtatute ſo as to take up a proceeding for which there is no *legal proceſs* either by common or ſtatute law, as now eſtabliſhed, but in defiance of which there is a legal proceſs eſtabliſhed by the Habeas Corpus act—would be to diſfranchiſe the ſubject in *America* of thoſe rights and liberties which by ſtatute and common law he is now entitled to.

‡‡ 13th and 14th *Car.* II. c. 2.

§§ If the King was to abſent himſelf, for a time, from the realm, and did, as uſual, leave a regency in his place, his locum tenens as ſupreme civil magiſtrate, Could he authorize and commiſſion any military commander in chief to command the militia, forts, and forces, independent of ſuch regency? Could he do this in *Ireland?* Could he do this in the colonies and plantations, where the governor is already by commiſſion, or charter, or both, under the great ſeal, military commander in chief, as part of (and inſeparably annexed to) the office of ſupreme civil magiſtrate, his Majeſty's locum tenens, within ſaid juriſdictions? If he could.—Then while openly, by patent, according to law, he appeared to eſtabiſh a free *Britiſh* conſtitution—he might, by a fallacy, eſtabliſh a military power and government.

mander in chief, ſo to be exerciſed and executed—But more eſpecially not within ſuch juriſdictions † where ſuch military power (ſo far as the conſtitution knows and will juſtify the ſame) is already annexed and granted to the office of ſupreme civil magiſtrate.—And hence it is that the King cannot erect or eſtabliſh any law martial, or military command, by any commiſſion which may ſupercede, and not be ſubject to, the ſupreme civil magiſtrate, within the reſpective precincts of the civil juriſdictions of the ſaid colonies and plantations, otherwiſe than in ſuch manner as the ſaid law martial and military commiſſions are annexed or ſubject to the ſupreme civil juriſdiction within his Majeſty's realms and dominions of *Great-Britain* and *Ireland*—And hence it is that the eſtabliſhment and exerciſe of ſuch commands and commiſſions would be illegal.

† Vide Adminiſtration of the Colonies, page 83—101, fourth edit.

For the LONDON MUSEUM.

Eſſay on the Power aſſumed by the Houſe of Commons, of incapacitating their Members.

THE advocates for the right in the Houſe of Commons, to render incapable, by a reſolution of that Houſe, a perſon otherways capable of being elected into Parliament, cannot, I apprehend, any longer contend, that the incapacity of ſuch perſon ariſes from his expulſion, or that a perſon being expelled, is therefore *ipſo facto* incapable of being re-elected. That poſition the Houſe of Commons itſelf has deſtroyed, by its own declaration, that the ſheriffs of Middleſex had done their duty in returning Mr. Wilkes, after he had been expelled; for, if expulſion contained in it incapacity to be re-elected, the ſheriffs did not do their duty in returning Mr. Wilkes, after he had been expelled, becauſe it is their duty to return only ſuch perſons as are capable of being elected. Would they have done their duty in returning a Commiſſioner of the Cuſtoms; for inſtance, had one of thoſe gentlemen had the plurality of votes, or in returning the Archbiſhop of Canterbury, had the majority of voices been given to that

that prelate? they certainly would not, becauſe they are ſworn to make their return in conformity to the laws of the land, and both thoſe perſons are made incapable of being returned by law. Let, therefore, ever ſo much be ſaid of the law of Parliament being the law of the land, the Houſe of Commons have, in the caſe of Mr. Wilkes, clearly declared, that expulſion does not contain in it a legal incapacity of being elected. I deſire to be underſtood, and ſhall therefore repeat my propoſition. The ſheriffs of Middleſex could not, conſiſtent with their duty and their oaths, return any perſon as duly elected, who is rendered incapable by law. The Houſe of Commons declared, that the ſheriffs of Middleſex had done their duty in returning Mr. Wilkes, as duly elected, after he had been expelled that Houſe. Therefore the Houſe of Commons have declared, that expulſion does not contain in it a legal incapacity of being re-elected. But thoſe who ſeek to confound what they cannot make evident, tell us that Mr. Wilkes's incapacity follows his expulſion, by the law of Parliament, and not by either the ſtatute or common law, and that the law of Parliament, which rendered him incapable, is a part of the law of the land. I wiſh to be preciſe, and will therefore aſk, whether it is meant, that the law of Parliament renders a perſon expelled, incapable of being elected? If it does, then Mr. Wilkes was legally incapable of being elected, and the ſheriffs of Middleſex did not do their duty in returning him after his expulſion, and yet the Houſe of Commons ſay they did. An incapacity, by whatever law, is a legal incapacity, and the ſheriffs are bound by their duty, and their oaths, to take notice of all legal incapacities. How then did they do their duty, by returning a perſon duly elected, who was rendered incapable of being elected by the law of Parliament, which law is part of the law of the land? But our ſophiſters go on and tell us, that the law of Parliament differs from the common and ſtatute law in this particular, that no one is bound to take notice of it until it is *declared*, whereas the others are always to be noticed. The Houſe of Commons having, therefore, not *declared* the law of Parliament, which rendered Mr. Wilkes incapable of being elected upon his firſt expulſion, the ſheriffs were not bound to take notice of it. Now, in order to find out the difference be-

tween *declaring* the law and *making* it, I muſt aſk theſe gentlemen, whether any law of Parliament *exiſted* before Mr. Wilkes's expulſion, by which any perſon expelled was rendered incapable of being re-elected? If ſuch a law of Parliament did exiſt, and the law of Parliament be a part of the law of the land, how then did the ſheriffs of Middleſex do their duty, in making a return directly in the teeth of it. If ſuch a law did not exiſt before Mr. Wilkes's expulſion, Mr. Wilkes was not then legally incapable, and the ſubſequent declaration of the Houſe of Commons could not render him legally incapable, unleſs that declaration *made the law.* Here then I take my ſtand, and I perſuade myſelf, that I have proved to a demonſtration, that the Houſe of Commons, by declaring, that the ſheriffs of Middleſex had done their duty in returning Mr. Wilkes after he had been expelled, admitted one of theſe three things. Either that incapacity does not follow, or is not contained in, expulſion by the law of Parliament; or that no ſuch law of Parliament did exiſt before Mr. Wilkes's expulſion; or that that law of Parliament, if it did exiſt, was not the law of the land. Whichever of theſe it is, that the advocates for the Houſe of Commons think proper to grant, the concluſion muſt unavoidably be, that thoſe freeholders of Middleſex, who gave their votes to Mr. Wilkes, did not throw them away, and that the Houſe of Commons, by reſolving, that Mr. Lutterel, who had the minority of votes, was duly elected, have claimed a right of giving a repreſentative to the people of England, without their choice or conſent.

To avoid ſo alarming a concluſion, the advocates for the obnoxious meaſure, have lately taken up a new mode of argument. They now contend, that the Houſe of Commons act in all election caſes in a mere judicial capacity, and therefore, that inſtead of having given a ſeat in Parliament to Mr. Lutterel, for the county of Middleſex, without the election of the majority of the freeholders, they only *adjudged* him to be duly elected by the majority of the freeholders. The Houſe of Commons, they ſay, like other courts of judicature, may have given a wrong judgment; and as there is no appeal from their judgment, there can be no reverſal of it, but by an act of the legiſlature. This would be the caſe

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with the Lords, ſhould they, in the exerciſe of their judicature, adjudge a peerage to a perſon, who afterwards was known to be illegitimate. They could not degrade him but by act of Parliament. Theſe are indeed evils, but they are evils incident to our political and moral conſtitution, and muſt be ſubmitted to.

Would theſe gentlemen abide by this argument, we ſhould quickly come to a deciſion, for I admit the whole of their general propoſition, and alſo the concluſion they draw from it to be juſt, ſo far as relates to the power of the Houſe of Commons, to reverſe the judgment they have given. But let me aſk what is the object of their judicature in election caſes, and within what bounds is it circumſcribed? Does their judicature extend to the conferring a ſeat in Parliament upon any perſon, without the election of the people? Does it impower them to *give* the ſeat at diſcretion? or, are they not bound to try who has the right to it by the election of the people, and according to the known exiſting laws of the land, and there to adjudge it? Is not the iſſue before them in all election caſes, who it is that is the choſen by the people, and not who it is that the Houſe thinks moſt fit to ſit among them? Is any member ever ſuffered to ſit in the Houſe, until he is firſt declared to have had the plurality of votes at the election; and when the candidate, the loweſt on the poll, has been *adjudged* to have been duly elected, has not ſo many of the opponents votes been firſt declared illegal, as reduced his number below that of the other? Is it not alſo the object of their judicature, to determine upon the legal qualifications of the member, and is not the whole of their power comprehended in theſe two queſtions. Who is the elected of the people, and whether he is legally qualified to be elected? The matter, therefore, before the Houſe, in Mr. Wilkes's caſe, was no more than this. Was Mr. Wilkes duly elected by the plurality of votes? and was Mr. Wilkes qualified according to law? But he was *adjudged*, not qualified, it is ſaid. I aſk by what law he was deemed unqualified or incapable? If the Houſe of Commons *adjudged* him incapable within the meaning of any law, however they may have been miſtaken in their judgment, I ſhall acquieſce; for the law was their rule, and they cannot be expected to be infallible in their application of it. Yes, it is affirmed, they

have

have adjudged him incapable by law, and that their judgment was only an application of the law to his caſe. They adjudged him incapable by the law of Parliament. This brings us back to the point already diſcuſſed, and the determination muſt follow the anſwer to the caſes I then put, as what the Houſe of Commons muſt have admitted, when they declared, that the ſheriffs of Middleſex had done their duty, in returning Mr. Wilkes, after he had been expelled.

If then their power of judicature, will not ſerve to juſtify the deciſion of the Houſe of Commons, in giving Mr. Luttrel a ſeat for the county of Middleſex, as little will they be benefited by their legiſlative powers, for I utterly deny that they have any ſuch. I deny that they alone can make a law to bind a ſpider, or to diſpoſe of a ſingle barley-corn. Legiſlation in this country, is the joint act of King, Lords and Commons, and neither of them, nor any two of them, have any title to it. I ſhall conſider this matter more at length, in order to ſee the grounds of the ſeparate powers claimed and exerciſed by theſe three eſtates.

It is the voice of reaſon, the law of nature, and the leading principle in the Britiſh conſtitution, that every individual of the community is intitled to all the perſonal and public rights of every other individual, where the community, by common conſent, has not made a difference. All diſtinct, ſeparate rights, are derived from the common conſent of the community, either expreſsly or tacitly given. The Prince of Wales ſucceeds to the crown his father wore, and the eldeſt ſon of a forty ſhilling freeholder, inherits his father's lands by common conſent. This common conſent, when expreſsly given, is called ſtatute, and when tacitly given, is called common law, or preſcription; for, whatever the community have always permitted, it is preſumed they have given conſent to. The Britiſh community have delegated to three ſeveral eſtates. This power of declaring their conſent to any matter, and their *united* declaration, is allowed by the community to be the conſent of the whole. This united declaration, is called an Act of Parliament, and is the ſupreme authority in the ſtate, or rather the Act of the State itſelf. Every right, public and private, of every individual of the community, from the King upon the throne, to the beggar upon the dunghill, is ſubject to be controuled,

trouled, abrogated, or enlarged, by an act of Parliament, that being an act of the whole community. And however unjuſt or oppreſſive any ſuch act may be, its authority cannot be queſtioned. If, indeed, the act of Parliament ſhould, at any time become generally odious, and the body of the people ſhould be of opinion, that the general eſtates to whom the power of the community is intruſted, had abuſed their truſt, they have a remedy, but it is one which will always be of dangerous application, and ſhould never be put in uſe, but when no other means of redreſs can be had, and the grievance is inſupportable—their remedy *then* is diſſolving the conſtitution, and ſetting it up a-new. This they did at the Revolution. The Crown was taken away from the Prince, to whom an act of the Parliament had given it, and given to another without an act of Parliament; for the act of the members in a former Houſe of Commons, and of the Peers, was not an act of Parliament, but the conſent of the community gave it the ſame authority.

In this inſtance, we ſee, that the conſent of the community gave the ſame authority to an act of two of the three eſtates, as the three eſtates hath, in other caſes; and if they could do ſo in the caſe of the prince, by parity of reaſon, they could do the ſame in the caſe of either of the other eſtates. I deſire to be underſtood; I ſay it was not in the power of the Lords and Commons, conſidered as two parts of the legiſlature, aſſembled in convention, to take from James the IId. the crown of theſe realms, and give it to the Prince of Orange; nor could any future act of that prince give validity to the act of thoſe two eſtates. It was the conſent of the community which gave the authority to that act, and that conſent declared, that for the inſtant, the ſupreme authority ſhould reſide in thoſe two eſtates. The like conſent it is, which permits each of the three eſtates to do many things ſeperately, and of their ſingle authority, without any ſanction from the other two, and exempts their members from many burdens and reſtraints to which all other individuals are made liable. The foundation of theſe powers, privileges and prerogatives, being only in the *tacit* conſent of the community, they are all ſubject to controul or abrogation by the community; and conſequently by the joint authority of the three eſtates which repreſent the community, and is authoriſed to

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declare its *expreſs* conſent or diſapprobation, and its expreſs declaration always ſuperſedes its tacit or preſumed opinion; that is, in other words, every prerogative of the crown, and every privilege, cuſtom, or uſage of either Houſe of Parliament, may be abrogated, altered, or annulled by act of parliament. Hence it is, that an act of parliament can limit the crown. An act of parliament can ſequeſter or degrade a peer. An act of parliament can diſſolve an Houſe of Commons, exclude or diſable any of its members.

Having thus ſhewn the different grounds upon which acts of parliament, and the privileges of either branch of the legiſlature ſtand, I think I am juſtified in reducing my enquiry to this definition—that the prerogatives of the Crown, and the privileges of both Houſes of Parliament, reſt upon the implied or tacit conſent of the community, which is what is meant by uſuage, or preſcription, or common law. That acts of parliament are the expreſs declaration of the will of the community, and are therefore of ſuperior authority to all ſuch uſages or preſcriptions, and, *a fortiori*, that no uſuage or preſcription can be ſet up againſt an act of parliament; agreeable to this inference, the act of parliament, the 12th of Charles the ſecond, impoſes a penalty on whoever ſhall declare that the vote or ordinance of one Houſe of Parliament, has the ſame authority as an act of parliament; and the bill of rights declares againſt the crown diſpenſing with acts of parliament, and indeed againſt either Houſe pretending to do ſo, without the concurrence of the King and the other Houſe.

From all which it will follow, as an undeniable conſequence, that if Mr. Wilkes be by act of Parliament declared incapable of being elected, that no common right in himſelf, nor any reſolution, vote, or ordinance of the Houſe of Commons, can make him capable; and on the other hand, if an act of Parliament has declared him capable, no reſolution, vote, or ordinance of the Houſe of Commons can render him incapable. Now it is not pretended by any aſſertor of the authority of the Houſe of Commons, that there is any act of Parliament under which Mr. Wilkes can be held incapable of being elected a member of the Houſe of Commons, neither is there any act of Parliament which expreſsly declares him capable; but the ſilence of Parliament in the one caſe conveys

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a very different meaning from its ſilence in the other. Every member of the community is of common right, as has been ſaid, intitled to every right, capable of every office that any other individual is capable of, unleſs where the community has made a difference, either tacitly or expreſsly. Now if no difference has been made, either tacitly or expreſsly by the community, by which Mr. Wilkes is debarred from being elected a member of the Houſe of Commons, there needs not be any expreſs declaration of his elegibility—The right of electing members to ſerve in Parliament, and the capability of being elected, muſt of neceſſity have been antecedent to any act of Parliament; and as they exiſted before Parliament, it cannot require an act of Parliament to enable any member of the community to exerciſe them.

An act of Parliament can indeed take away theſe rights from any member of the community, or limit the whole in the exerciſe of them, becauſe the Parliament, that is, the three eſtates of King, Lords, and Commons, being the repreſentative of the whole community, every individual has ſubſcribed his particular rights into their authority, and conſents to their acts. What is done by Parliament is therefore done by every individual and by the whole community, and no one will contend that a man or a community, may not part with or circumſcribe themſelves in the exerciſe of any civil right whatever; but it by no means follows, that thoſe rights can either be taken away or circumſcribed by any part of the community who are not authorized to act for the whole. It is not pretended that the Houſe of Commons is ſingly the repreſentative of the Britiſh community, or the Legiſlative authority in Great-Britain. It cannot therefore by any vote or reſolution take away from, or circumſcribe any individual of the community in the exerciſe of any of his civil rights, which either by ſtatute or common right he is intitled to, or in poſſeſſion of.—I have however admitted that there are privileges and exemptions attendant upon the perſons who compoſe the ſeveral parts of the legiſlature, which do not depend upon any act of the legiſlature, but are permitted by the community, and allowed by tacit conſent. Of this nature is the power exerciſed by the Houſe of Commons over its own members. The impriſoning others who are guilty of offences againſt the Houſe or any of its members, &c. but theſe powers, as I

ſaid, are ſtill held only during good behaviour, and by ſufferance of the community, and ought therefore to be uſed tenderly, for the community only permitted them from an opinion that they are expedient and will be circumſpectly exerciſed.

Should it ever happen that the majority of an Houſe of Commons ſhould commit or expel the minority, or commit to priſon a multitude of freeholders for objecting to their deciſions in ſome election caſes, or in any other way flagrantly abuſe theſe powers, I doubt not but means would be found to reſtrain them ever after in their exerciſe of them, if indeed the powers themſelves ſhould be left with them. Should we therefore for a moment admit that the Houſe of Commons rendering Mr. Wilkes incapable by a reſolution, did no more than follow the ancient uſage of Parliament, ſtill the propriety and fitneſs of that uſage would be to be conſidered; and if, as the body of the community, ſeem to think, it ſhould be found to be a uſage full of danger, and teeming with miſchief, it ought and muſt be abrogated. The paſt deciſion could not indeed be reverſed, nor ſhould thoſe who concurred in it be deemed enemies of the public liberty; but it is a duty they owe to the body of the people, a demand which the body of the people have a right to make; that ſecurity be given them that the like deciſion ſhall never again be made, and that the claim of a right in the Houſe of Commons to make it be utterly extinguiſhed. The uſage of the Houſe of Commons has however been in no caſe ſimilar, and ſo far is it from being a juſtification of their conduct who came to the offenſive reſolution, that it openly reprehends them.—The hiſtory of qualification and place bills, will afford abundant proof of the acknowledged inability of the Houſe of Commons, to render any perſon incapable by a reſolution of that Houſe, of being a member of it. When we find by their journals, that the Commons of England had ſo frequently been repulſed in their attempts to force a bill through the other two eſtates for diſqualifying certain officers of the crown, and perſons of ſmall landed property from being elected into Parliament, can we imagine they would not have incapacitated thoſe perſons by reſolution, had they ſuppoſed themſelves to have been veſted with ſuch power? An occaſion like that would ſurely have not only juſtified their exerciſing every latent power, but their duty to the community

demanded

demanded it of them, and they might have depended upon the approbation and ſupport of the people in ſo doing. When the King or the Lords had repeatedly refuſed to concur with the Commons, in a meaſure evidently neceſſary for preſerving the independance of that Houſe, and maintaining the juſt equilibrium the conſtitution requires between the three eſtates; could the repreſentatives of the people think that an unfit time to exert their ſeperate powers for obtaining ſo deſirable an end? Was not that an occaſion full as important, as the preventing a ſingle individual, however obnoxious, from ſitting in parliament, or reſtraining the freeholders of Middleſex from chuſing an improper repreſentative? And yet we find no ſuch power claimed or exerciſed; nay, on the contrary, altho' the Commons had reſolved, that thoſe perſons ſhould be incapable, yet, for want of the Lords and King's concurrence, they deemed their reſolutions of no effect. I ſay, they did reſolve that ſuch perſons ſhould be incapable, for what is the paſſing a bill, but *reſolving* every part of it, and giving thoſe reſolutions the utmoſt effect the Houſe can give them? When, therefore, one of theſe diſqualifying bills had paſſed the Houſe of Commons, every perſon rendered incapable by ſuch bills, was from that moment rendered incapable as far forth as a reſolution of that Houſe could incapacitate him; and the Houſe was bound by that reſolution for that ſeſſion, whether the bill paſſed the other eſtates or not; for it is the law of parliament, that the ſame bill cannot again be brought in after rejection in the ſame ſeſſion, becauſe the Houſe is bound for that ſeſſion by its former reſolution; the reſolution therefore which paſſed the bill, remained of force during the ſeſſion, notwithſtanding the bill's rejection by the King or Lords. And if a reſolution of the Houſe of Commons could have rendered incapable the perſons who were the objects of thoſe bills, they would have been incapable during the ſeveral ſeſſions in which thoſe bills were paſſed. That ſuch perſons were not held to be incapable, notwithſtanding thoſe reſolutions, is evident from the rolls of parliament, and even from the repeated attempts to obtain thoſe bills; and therefore, thoſe Houſes of Commons were ſo far from pretending to a power of rendering any perſon incapable by reſolution, that their uſage is directly the contrary, and the fulleſt confutation of the claim of the preſent Houſe.

For the LONDON MUSEUM.

The POLITICAL CREED *of the* FRIENDS *of* LIBERTY, *or a* REAL STATE *of the* PRESENT ADMINISTRATION.

THE choice of the King's ſervants may be conſidered as a tacit declaration of the meaſures he is determined to purſue. By committing the adminiſtration of his affairs to men, who poſſeſs the eſteem and confidence of the public, he gives the people a ſure pledge of the rectitude of his intentions, and a ſecurity that, if ever he ſhould adopt a ſyſtem of government inconſiſtent with his earlieſt profeſſions, he will receive no aſſiſtance or encouragement from the ſervants of the Crown. On the other ſide, if he ſhould attempt to form an adminiſtration of men, diſtinguiſhed by an hereditary zeal for the doctrines of High Church and Prerogative; by the violence of their public conduct, or the ſcandal of their private lives, the people would have reaſon to ſuſpect, that ſome dangerous Plan had been formed in the Cloſet, which none but men of this character would execute or ſupport. The principle from which this concluſion might be drawn, is not to be diſputed. Let us look round for a moment, and make the application.

We ſee in the Cloſet an apparent Determination to Exclude the ableſt and moſt reſpectable of the Engliſh Nobility from all Share in Government. We ſee the men, who have ſerved this country with the greateſt zeal and ſucceſs, either directly diſmiſſed, or forced by repeated affronts to abandon the King's ſervice; and with a little attention we may obſerve how ſtrongly this principle has operated and prevailed ever ſince his Majeſty's Acceſſion. The Political Syſtem of Carlton-Houſe began to diſcover itſelf at an early period. The firſt acknowledged object of the Cabal in that Houſe was to relieve themſelves by degrees from the preſence and ſuſpicious obſervations of the Whig Nobility and Gentry, whoſe anceſtors had chiefly contributed to fix the preſent Royal Family upon the Throne. Their ſecond object was to form an adminiſtration of Tories,

Jacobites,

Jacobites and Scotchmen, with the addition of a few Engliſh Cyphers, who call themſelves the King's Men, and are the miſerable appendage of every adminiſtration. Without reckoning any thing themſelves, they have a place in computation, and give value to the figures. The Cabal had flattered themſelves that, by a compleat Excluſion of the Whig Intereſt, they ſhould be able to govern this country at their own diſcretion. They relied on the mere ſtrength of the Prerogative, which they took every opportunity to carry to its utmoſt extent. All their Meaſures appear plainly to have been directed by the ſame arbitrary ſpirit, to one great point. The uniting the whole power of the Crown in the hands of a junto of Three, into which the GREATEST PERSON was not always admitted; the diſmiſſion of Mr. Legge; the over-ruling influence which forced Mr. Pitt and Lord Temple out of the Cabinet; the declared Reſolution to make a Peace upon any terms; the cruelty with which a multitude of innocent perſons were turned out of their employments; the outrage offered to the Duke of Devonſhire; the care taken to leave the Regency open to a certain Lady; and the treatment of Mr. Wilkes, equally unlawful and inhuman, are all pieces of the ſame coin, and ſhew what Mint they were produced in. It is true that theſe proceedings have, at different times, been attended with difficulty and danger. They have been oppoſed and checked by the native ſpirit of the Engliſh people. The two perſons concerned have been obliged to withdraw their apparent advice, and to ſuſpend for a while the more viſible effects of their influence. But the principle of their government has never been effectually removed. It has yielded to the neceſſity of the moment, and is now returned upon us with double violence. This alone accounts for the repeated changes of the King's ſervants, and for the Ruin of ſo many ſucceſſive adminiſtrations. Mr. Grenville, Lord Rockingham, and Lord Chatham, have all, in their turn, been careſſed and betrayed. Lord Temple alone was never ſacrificed, becauſe he never could be deceived. From the Duke of Grafton's continuance in office, it may reaſonably be concluded, that they found ſomething more pliant in his Grace's diſpoſition: and as to the Duke of Bedford's friend,s their domeſtic Indigence (to

ſpeak

ſpeak favourably of them) will account for their accepting of lucrative employments upon any conditions.

The melancholy ſituation to which this country is now reduced, whether it has ariſen from Principle or Accident, from Folly or Deſign, calls for, and deſerves the ſerious attention of us all. We ſee an adminiſtration continuing to ſubſiſt, by ſome ſtrange, myſterious management, after it has been abandoned by the Head of the Law, the Head of the Army, and the Head of the Treaſury. The two firſt offices not yet filled up, and the laſt committed to a man, notoriouſly the Inſtrument of Carlton-Houſe. The policy of this appointment leads us directly to the authors of it. "We have Meaſures to carry, "which the *Friends of the Duke of Bedford* may not be "quite deſperate enough to engage in heartily. Even *they* may "have their fears and reluctance too upon ſome points, and if "they were permitted to engroſs all the power, they would "probably forget their ſubmiſſion. Lord North muſt there-"fore be maintained in order to preſerve our Superiority in the "Cabinet, and to take upon himſelf whatever the Bedfords "are aſhamed of."

Yet even Lord North, however devoted he has been to all adminiſtrations in their turns, and now the confidential ſlave of Carlton-houſe, is not to be truſted entirely. The world will hear with aſtoniſhment, that the place of Private Secretary to the Firſt Lord of the Treaſury, uſually given to ſome particular friend of the Miniſter, is now, by expreſs ſtipulation, reſerved for Mr. Robinſon, the attorney and ſteward of Sir James Lowther. This man is called away from his natural employment, the collection of rents, and the oppreſſion of freeholders in Cumberland, evidently and palpably to watch Lord North;—to take care that he never ſwerves from his allegiance, and that the Mandates of Lord Bute are as ſtrictly and punctually obſerved, as thoſe which Cardinal Mazarine diſpatched, from the place of his temporary exile, to the Queen Mother of France. This circumſtance, however minute, clearly eſtabliſhes the principle on which the preſent adminiſtration ſubſiſts. The reſt of their proceedings are anſwerable to it. What hopes then can the people of this country; can Ireland, or the colonies, form to themſelves for the recovery and ſecurity of their rights, when they ſee an adminiſtration,

ſuch

ſuch as the preſent, carrying on meaſures, formed by a majority of Biſhops and Scots Peers in one Houſe of Parliament, and in the other, by a majority of Scotch Members? Every propoſition, which has been offered to either Houſe, whether it tended to give ſome ſatisfaction to the people, with reſpect to the late proceedings of the Houſe of Commons, or a ſecurity againſt ſuch proceedings for the future; or to curtail a part of the enormous influence of the Crown in the choice of Members of Parliament, has been uniformly rejected. In one Houſe the conſtitution has been openly invaded; in the other, meanly and ſhamefully deſerted. I ſpeak of the majority as before deſcribed, for, in both Houſes, the Engliſh Lords and Commons have made a noble ſtand in defence of the conſtitution. Since, therefore, all hopes of Parliamentary Redreſs muſt be given up; ſince our moſt gracious Sovereign has been adviſed, not even to return an anſwer to the humble, but earneſt petitions of his ſubjects; the collective body of the Engliſh nation are called upon, and compelled to adhere firmly to the defence of their own cauſe. I do not mean to preach rebellion or ſedition to the people—Meaſures of Violence are not yet neceſſary. More gentle methods of obtaining redreſs are preſcribed and warranted by the conſtitution. Tho' Petitions are deſpiſed, Remonſtrances may be regarded. Care muſt be taken to obſerve the Motions of Carlton-houſe, to trace their deſigns, and expoſe them properly to the world. We ſhall conſult the real intereſt and happineſs of our miſguided Sovereign, by never ſuffering him to enjoy one moment's repoſe, until juſtice is done to the people. After all, if no Remedy is to be obtained by Petition or Remonſtrance, let the Friends of England remember with pleaſure, that the nobleſt Blood in this country is engaged and pledged in the cauſe of Freedom; and let the Enemies of England, *whoever they are*, remember with Terror, that the queſtion, whether the Engliſh nation were to be Slaves or Freemen has occurred in former times, but that it never was decided by a Vote of either Houſe of Parliament.

For the LONDON MUSEUM.

Anecdotes of Lord Chief Juſtice Jefferies, and Lord Chief Juſtice *********.

Jefferies.

HIS firſt appearance in the world, was about the time of the reſtoration, and though the current of the nation ran ſtrong towards the king's ſide, yet there were not wanting a number of male-contents, who took every opportunity to enlarge their intereſt, and ſupport their cauſe. He attached himſelf warmly to them, and carried his zeal to ſuch a pitch, that, in his hours of jollity, he would be continually promoting all the treaſonable healths that were then faſhionable; and he himſelf uſed always to ſet the example, by drinking them on his *knees* †.

He viſibly ſaw, that, notwithſtanding every effort of his friends, the court-party daily gained ground. He therefore wiſely conſidered, that though his party did all they could for him, he now could do more for himſelf; he therefore changed ſides without

† Pages 10 and 11 of the Life and Character of Lord Jefferies.

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LORD *********'s introduction into life, was ſome years after the acceſſion of the preſent houſe of Brunſwick; and though this family came to the throne with the united good wiſhes of the majority of the people, diſappointment and diſaffection ſtarted up an oppoſition under the name of *Tories*. Trained to theſe principles by education, and ſpurred on by ambition, he added to the party, and forwarded it not only by his advice and ſupport in the hour of coolneſs, but in the hour of diſſipation, and was *once* called before a magiſtrate for drinking the Pretender's health ‖.

The feeble efforts of the rebellion of 1715, joined to the mild government, and judicious conduct of that able politician, George I, ſoon ſhewed Lord *********, that his attachment was on the wrong ſide; he, therefore, in the ſucceeding reign, at once diſ-

‖ A well known matter of fact.



LORD CHIEF JUSTICE JEFFRIES

J. Lodge sculp.



LORD CHIEF JUSTICE MANSFIELD


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Jefferies. * * * * * * * * *.

out any ceremony, and looked upon himſelf as a politician that was totally to be guided by court maxims ‡.

He now became, as it were, the *bull-dog* of *the party*, to bait and worry all ſuch as were obnoxious to them, and in this he acquitted himſelf ſo well, that his patrons, in requital of ſuch acknowledged abilities, made him Lord Chief Juſtice of England †.

Clad with this authority, he exerted it indiſcriminately for the uſe of the crown, whenever an opportunity offered. In the ſtate trial of Sir Samuel Bernardiſton for a libel, when the counſel for the defendant urged, that that part of the information which charged thoſe letters to be a falſe,

diſcarded his former connections, and commenced *profeſt courtier*. During his oppoſition, he ſhewed himſelf a good orator and logician, which made him readily accepted of as a perſon *capable* and *willing* to do any buſineſs he was put to §.

The m——y every day perceiving his agreeable and conciliating demeanor to a *jury*, his nice and logical diſtinctions between *caſes of law*, and *caſes in point*; and above all, his great abilities in *ſeperating*, or *aſſembling* (as the cauſe may require) the different parts of evidence, made him, at firſt, by way of trial, ——————, in which office he exerted his uſual powers to ſuch advantage, that he afterwards became *criminal Chief Juſtice of* ———.

However ſtrange this doctrine may appear in the preſent day, when it is well known, that juries, after being ſworn, are ſolemnly bid to liſten to the charge, whereon they are to paſs ſentence between the king and the defendant; and after having the whole of the evidence read to them, without

‡ Life and Character of Lord Jefferies, p. 12.

† Life of Lord Jefferies, p. 15.

§ A well known matter of fact.

Jefferies. *********.

falſe, ſcandalous, and ſeditious libel, was a matter for the *juries* conſideration, that able chief juſtice interrupted him, and ſaid, "Let us have none of that doctrine, the *law* ſupplies the *proof*, the thing itſelf ſpeaks malice and ſedition. As it is in murder, we ſay always in the indictment, *he did it by the inſtigation of the devil*; can the jury find he did it not by ſuch *inſtigation?* So in informations for offences of this nature, he did it *falſely* and *maliciouſly*; which words neceſſarily import *malice*, *reproach* and *ſcandal* to the government; therefore there needs no proof but of the *fact*; the law ſupplies the reſt ¶."

In *ſuch times as theſe*, it is not to be wondered at, that ſuch a man as Jefferies, ſhould pleaſe his *patrons*, though he pleaſed no body elſe, and it was not long before they gave him ſignal marks of their high approbation of him; for as a token of their grateful acknowledgments of his great ſervices, they made him a *Lord*, *while yet a judge*; an honour that had not been given to any of his predeceſſors, except

out any *diſtinction of parts* to determine them; yet, —— years ago, did this *criminal* —— —— upon a motion for a new trial, take the opportunity of pronouncing it as his opinion, that, "the trial "by jury was a very bad ſort "of trial, and would be the "worſt of all, were it not for "the controlling power of the "judges, by the granting of "new trials."

In *times* almoſt equally as *perilous*, ********* had the ſame good fortune to make himſelf by his conduct, alike entitled to the favour of the court, being created, *while a* ——, a ——, an honour conferred on none of his cotemporaries under the great ſeals.

Lord

¶ Caſe of Algernon Sidney and Lord Ruſſell, in the ſtate trials.

Jefferies. *********

except in one or two inſtances upon very uncommon occaſions †.

He might juſtly be ſaid to have been a very unfair combatant, for he would never be brought to enter the liſts with equal weapons, though he was hugely delighted with panegyrics from the preſs, yet he was a mortal enemy to the *liberty* of it; and whenever he had received an injury from that quarter, he would never be prevailed upon to forgive it ‖.

Lord *********, tho' extremely well verſed in letters, and knowing every advantage of their extenſion, has been equally vindictive in oppoſing *the liberty of the preſs.*

When the Archbiſhop of Canterbury, and ſix other Biſhops were called into the council chamber by James II, and only preſſed into a recognizance, they ſaid, "they were informed, that no man was obliged to enter into a recognizance, unleſs there was a ſpecial matter againſt him, and that there was oath made of it againſt the perſon." Jefferies being applied to for his opinion, ſaid, "the demand was reaſonable, and there were *precedents* for it ¶."

—— ——, Eſq; being brought before Lord ****-*****, and inſiſting that a *record* ought not to be altered at the will of a judge, he was told it was *uſual*, and that there were *precedents* for it.

The Lord

† Jefferies's life, p. 19.
‖ Jefferies's life, p. 34.
¶ Ditto.

Jefferies. *********.

The death of this very abominable character, was almoſt as extraordinary as his life, for after having a thouſand times deſerved the laſt execution of the laws, for his continual *wrong interpretation* of them, he, at laſt, fell a victim for the *defence* of them; for having in the plenitude of power, detected a ſolicitor of mal-practices, he not only expoſed him in open court, but fined him very ſeverely. At the time of K. James's abdication, Jefferies, conſcious of the juſt reſentment of the public, endeavoured to make his eſcape, but was detected by this very ſolicitor, who accidentally met him in a public houſe near Wapping, and knew him, though diſguiſed in the habit of a ſailor; from hence he was conducted before a magiſtrate, and from thence to the Tower; where he ſoon after died through the fear of further conſequences §.

N. B. Lord Chief Juſtice Jefferies left behind him one ſon, named John, who married Charlotte, daughter of the ſiſter of the Dutcheſs of Portſmouth (miſtreſs to Charles

Lord *********

The above chaſm is left to be filled up by ſome ſucceeding biographer.

§ Concluſion of Jefferies's life.

Jefferies. * * * * * * * * *.

Charles the IId.) from whom are deſcended the ladies of the preſent Lords BEAUCHAMP and MOUNTSTEWART, ſons of the preſent Earls of HERTFORD and BUTE.

To the EDITOR *of the* LONDON MUSEUM.

SIR, *London, Jan.* 18, 1770.

AS you publiſhed a ſevere letter againſt Mr. Garrick, your candour will admit one in his defence, which will oblige, your's, &c.

To Mr. GARRICK.

TO be like you, healthy, wealthy, good, wiſe, learned, and ingenious, are each of them bleſſings ſufficient to raiſe the ſpleen and envy of mankind, and to occaſion the overflowings of a bile, which muſt be diſcharged in courſe upon the object that cauſed the bilious complaint. The repeated ungenerous attacks which are frequently made upon you in the papers, and laſtly, in the *London Muſeum*, demand a reply from me, your moſt faithful, attached boſom friend, who cannot bear to hear one of the greateſt characters and geniuſſes of this age, reviled and inſulted, without burning with juſt indignation, and glowing with ardour to vindicate his injuries. This unjuſt fog of cenſure, ariſes from the humid, putrid breath of ſome ſnarling, pennyleſs, diſappointed author, or infamous, caſhiered, meritleſs, itinerant actor, who, with no talents at all, conceits his abilities many, and becauſe he is diſcharged the theatre, as a being unworthy of any hire, commences an abuſive cenſor of Mr. Garrick's unſpotted character; I ſay unſpotted character. There is not an individual now exiſting, whoſe character is more pure, and ſo high in the eſtimation of mankind, and whoſe actions are ſo praiſe-worthy as Mr. Garrick's But any vulgar can daſh a handful of ſoot upon the faireſt ſnow, which may be conſpicuous

ſpicuous for an hour, but melts in the general thaw, vaniſhes as quick before the ſun, as ſuch wretches before ſuperior merit and genius. To anſwer the grub cenſure of ſuch a reptile, is like the eagle pouncing at a humming-bird; an animal, which cannot bring profit or honour to the high bird of Jove. And to let ſuch ſcurrility paſs, is highly unbecoming the friend, though the whole may be treated with contempt by Mr. Garrick; who, like a rock, may ſtand unconcerned, and defy the vague empty laſhings of the angry ſcourge. I am a man that feels for all mankind; and ſo ſingular, and perhaps diffſerent from the world, that I cannot, nor will not hear or ſee my friend abuſed without dipping the vindictive pen, and drawing the ſharper ſword in defence of his wrongs, to give that due chaſtiſement ſuch Thirſites as you merit, from the hand of honour and courage. Mr. Garrick's juſt zeal, and enthuſiaſtic admiration of SHAKESPEARE, ariſes from having the livelieſt genius to reliſh and feel the fire and nature of his unparalleled compoſitions, and diſplay them even in higher colours to the world; for we are equally indebted to Mr. Garrick's elocution, and Shakeſpeare's genius. Could Shakeſpeare ariſe to hear his own compoſitions melodized with new emendations from his tongue, the bard would hardly believe his own ears, or that his productions could be raiſed to ſuch a ſummit of praiſe. For had not Mr. Garrick's genius reſcued many of the poet's beauties from the ruſt of antiquity by his excellence of acting, they might have lain like diamonds in the deep duſt of libraries, unnoticed, for the want of ſome ſkilful artiſt to poliſh them for the view of mankind. Garrick, by Shakeſpeare roſe; Shakeſpeare, by Garrick, has been handed up to higher fame, than ever any idea he could form to himſelf could produce. The bard of Stratford, is at once the greateſt dramatic prodigy the world hath brought forth; and our Britiſh actor the moſt capital performer yet born, to elucidate and ornament the ſublimeſt language. Then, can you wonder, Sir, that Mr. Garrick can erect the ſtatue, and devote the pile in gratitude to the glorious and immortal memory of that genius, who gave and compoſed a language for the melody of his repetition, and to raiſe and publiſh thoſe dramatic excellencies, by nature nouriſhed for the higheſt capability of human talents. You have wantonly attempted to traveſtie

the

the Ode to his beloved Shakeſpeare. Is there yet a production of man that may not be burleſqued? Is there a face, be it ever ſo fair, but carricatura may make it appear ridiculous? But this Ode of Mr. Garrick, I pronounce ſuperior to Mr. Pope's St. Cecilia's day; and warmer and eaſier to be conceived and underſtood, than that high-flown raphſody of Dryden, Alexander's feaſt. The Ode is compoſed both from the heart and mind; theirs only from the mind, and will to ſucceeding ages, do honour to the author, and give rapture to the reader. Thus far to his dramatic fame. As a man, he does more good than all the men I have known; his charity is never ſlow to relieve, from ten guineas to one hundred: his humanity, by various god-like interpoſitions has been ſhewn: his friendſhip is laſting as his wit and vivacity. He never injured the virtuous, or turned upon the poor: his diſpoſition is noble and princely: his manſions and table have more the air of ſovereign plenty, than a ſubject's houſe and repaſt. In a word, take him for all in all, we ne'er ſhall look upon his like again. This is but the faint painting of the original, who will live and reign in the hearts of all good men, when ſuch temporary ſcurrility, and ſuch ſcurrilous ſcribblers as you, are utterly buried and forgotten.

NISUS.

For the LONDON MUSEUM.

The BOOT.

To the right honourable the Lord ROCKINGHAM.

"BOOT, and the man I ſing," the firſt who bore
The itch of Faction to the calmeſt ſhore.
O mighty Rockingham, where are thy pairs
So fam'd, ſo honour'd, in the hunts of hares?
Where are thy jockies (keener genii gone)
Are all their boots outrode by vulgar one?
Weep, weep Brigantes * ſee the race is won,
Your ſpurs all ruſted, and yourſelves undone.
O curſed *courſe* where all the jockies ſleep,
And horſes, like their heavy riders, creep:

Where

* Brigantes, people of the county of Yorkſhire.

Where are thy *poſts*, Newmarket, fam'd of yore,
Confer'd on horſes of a *Barbary* ſhore ?
Say where thy plates, thy ſtalls, thy ſweating cloaths,
I fear to aſk, are they too ſold to thoſe
Who made this mighty boot that has no fellow ?
It muſt be more than leather, and prunello.
Your trades, ye artiſts, are not worth a fig,
Unleſs ye make another twice as big :
Exert your talents, make it all your pride,
And then ST. CRISPIN ſhall *St. Andrew* ride.
Coblers attend, who knows what this may bring,
Once greater deeds ſprang from a ſmaller thing ?
O would the man I love but bit his horſe,
Draw on his boots, and *canter* o'er the courſe ;
O noble Rockingham aſſume the ſeat,
And puſh thy *Childers* for the diſtant *heat :*
Equeſtrian heroes, *curry* boreal ſcurf,
And whip all hacknies from the Britiſh turf !
O glorious William, will you deign to bend,
And hear the dictates of a loyal friend,
Whoſe bowels yearn in dear Britannia's cauſe ;
Mount mighty Prince and heal her ſpreading woes.
Can you, the glory of the Nemean race,
Confine your hounds, when EDWARD † points the place
Where reynard lurks, nor ſave thy veteran cocks,
From being a prey to ſuch a beaſt as FOX :
Unkennel BILLY, wind the ſounding horn,
Tramp down the dewy *thiſtle* of the morn !
Thee whom Britannia ever held ſo dear,
To ſcourge preſumption in St. Andrew's deer ;
Appear once more before the fleeting race,
With all the honours of CULLODEN's chace :
Mount, Nemean victor, lead the jovial train,
Whip him who ſtood at *bay* on *Minden*'s plain !

Unhappy England, where are all thy ſmiles,
Where's fled the honour of thy blooming iſles ?
When cowardice ſtigmatiz'd the frozen chief,
We gave him up to all the ſhame of grief,
Tore every bauble that his birth had given,
Made him an out-caſt both of earth and heaven.
What do I ſee ? the very man again,
Aſſume a part he never cou'd maintain.— —
Do you remember ? I remember well,
When honeſt tears from honour's father fell,

When

† The late Duke of York

When the good man retir'd from every joy,
And wept he'd ever rais'd ſo weak a boy;
" Oh! what you've done, alas! by not being brave,
" Brought my grey hairs with ſorrow to the grave."
By children's errors parents are undone;
Dorſet withdrew with bluſhes for his ſon.
Now hear the ſilver tongue ſo lately mute!
And ſee him bruſh the Caledonian boot,
A boot, too dirty for a man to clean,
A deed inferior to the meaneſt mien.———

O wretched times, too truly curs'd below,
When L——— ſtands the patriot of the row,
That mighty man who in an early reign
Maintain'd a cauſe that honour bluſh'd to name.
Is there no hope, or is the ſeraph fled?
Nor left one friend to hold Britannia's head.——
Deſcend Aſtræa from thy ſtarry clime,
In pity to us in a dreary time,
Beg our nobility would not reſign,
And ſhew the K—— the Scotch are not divine.——

Thee, royal youth, whom all the virtues crown,
In ſpite of ſ———s that ſurround your throne;
Attend a muſe who aſks thy friendly aid,
To raiſe Britannia drooping, virtuous maid.
I've done no wrong my prince, I know no fear,
I know no road but this to reach thine ear:
To tell thee, prince, to gently move the man,
For England totters on a rotten plan.—
Can you behold illuſtrious Rutland move,
Your grandſire's favourite, and his country's love;
Or noble Devonſhire enrag'd retire,
Or old Newcaſtle, whom yourſelf admire:
" The words he ſpoke will never be forgot,
" I love my King, but hate a partial Scot:
" But when you need a friend—I ſwear by truth,
" I'll aid my country and her godlike youth."
This honour'd monarch was the patriot's word,
Believe the worthy, and diſcharge the *Lord!*
See virtuous Rockingham reſign the chair,
Afraid to ſit when Devonſhire's not there:
There, there behold the army at a ſtand,
And York and Granby quit a foreign land:
Barré and Cavendiſh purſue his grace,
While, Banquo-like, M'Kenzie takes the place.—

Can you behold theſe ſervants of your Sire,
And not 'gainſt Scots with indignation fire ?
They, who before you drew your native air,
Prov'd your good father's, and his father's care,
When numbers did to ſpurious *Charles* incline,
Stood bravely firm, to th' Hanoverian line.
Plant theſe old ſervants round thy brilliant throne,
They'll take the prickles from thy flowery crown ?—

How can the muſe reſtrain the ſatir'd pen,
When dirty Scots takes place of better men ?
When glorious chiefs, renown'd in deeds of war,
The veteran ſoldier, or the gallant tar,
Caſhier'd, diſguſted leave an honour'd place,
To venal wretches, of a venal race :
Clergy or laity are much the ſame,
Pulpit and office, bear the beggar name.
Turn where you will, a dirty *Mac* appears,
Speak, and a *bonny lad* confounds your ears :
What muſt thy ſouthern ſons, Britannia do,
Muſt they reſign their country to the crew ?
Or more ignobly, ſhall we take inſtead
The lands they've left beyond the banks of Tweed.

O barren times, when not one man was found,
In England meritoriouſly renown'd,
To ſearch a fair one for his native iſle,
Lo ! on the Scot deſcends the ſummer ſmile ;
Wou'n't this raiſe a very hermit's ſpleen,
To ſee that Major * chooſe a Britiſh queen !
To tell the whole, old Homer would employ,
And beat that liſt he march'd to ruin Troy.

Britannia riſe from thy lethargick ſleep,
And o'er thy antient honeſt ſenate weep ;
Rouſe up thy Lion 'gainſt the inſidious Gauls,
And caſt their tarniſh'd olives from our walls ;
Accept no peace but ſuch as honour boaſts,
Bear rather war, and burn them on their coaſts.
I hope he's right, yet tremble for our lot,
And hate a jobber, as I hate a Scot.
Money, damn'd word, the cauſe of all our ſmart,
If thou haſt found the channel to his heart,
Why ſhould he ſtart when Martinico fell ?
Surely the goddeſs *Conſcience*, muſt rebel ;

Or

* G——.

Or why rejoice when New-foundland was loſt?
Unleſs in hope of a much greater coſt;
O venal times, when thus we're bought and ſold,
And men in power make all their gods of gold.—

PITT, may I name thee with the living now,
And round thy forehead wreathe the laurel bough:
TEMPLE, lead forth the patriot by the hand,
And jointly riſe to ſave a ſinking land;
Fly to Britannia, poor dejected maid,
Beſtow your maxims, ſhe implores your aid.—

If I might dictate to the godlike youth,
And tell with plain ſimplicity the truth,
Pitt muſt again reſume the *carule* chair,
And ſooth the ſallow brow of wrinkled care.
Bring poor *Concordia* to her own dear iſle,
And make e'en Scotchmen on the cherub ſmile.
Boots muſt retire to ſome more dirty ſport,
And wade, where filth requires them, to a court;
Let Whigs and Shoes riſe brilliant from the mud,
And *Boots* and *Tories* troop to Holyrood.——

The muſe, I ſwear ne'er did her country wrong,
But fought her cauſe in arms, as well as ſong:
And when the fates command her to the ſkie,
This, this ſhall be her laſt pathetic cry,
O ſave my country, gracious heaven,
——————— and die.

To the EDITOR *of the* LONDON MUSEUM.

SIR,

IN the year 1675 (which was the 27th of Charles II.) upon a miſunderſtanding between the Houſe of Commons and the Houſe of Lords, and ſome diſagreements at Court concerning the diſtreſſes of the King, the Lord Mohun conceived that an expedient or healing meaſure might be adopted; and accordingly we find on the 20th of November 1675 the ſaid Lord making a motion, that an humble addreſs be preſented to his Majeſty to diſſolve this parliament, and call another, and frequent parliaments. This occaſioned a warm debate, the whole of which is too long to tranſcribe; yet I cannot forbear taking a few extracts.

Having recited in what manner and how often parliaments were formerly held, his Lordſhip reaſons thus, "It is moſt unreaſonable that any particular number of men ſhould for many years engroſs ſo great a truſt of the people, as to be their repreſentatives in the Houſe of Commons; and that all the other gentry, and the members of corporations, of the ſame degree and quality with them, ſhould be ſo long excluded. Neither is it agreeable with the nature of repreſentatives, to be continued for ſo long a time; and thoſe that chuſe them, not to be allowed frequent opportunity of changing the hands in which they are obliged to put ſo great a truſt; the mutual correſpondence and intereſts of thoſe who chuſe and are choſen, admitting of great variations in length of time. How many in this preſent Houſe of Commons are there, whoſe buſineſs and acquaintance has not given them the occaſion of the correſpondence of one letter (for theſe many years) with any perſon of thoſe places for whom they ſerve? How many may there be in future parliaments, if continued as long as this, that may be Proteſtants when they are choſen, and yet may come, in ſo many years, juſtly to be ſuſpected to have changed their religion? Nay, how many in this preſent parliament are there, who were choſen by the people when they were of the ſame adequate intereſt with them, and in length of time, by the favour and goodneſs of the Prince, and their own great merits,

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are become officers about the Court, and in the revenue: This is not ſpoken to reflect on them, for many of them have behaved themſelves very worthily in thoſe places; but yet themſelves cannot ſay, that they are equally as free to act for thoſe that choſe them, as they were before. Nor are they of the ſame intereſt as when they were choſen; for now they gain, and have the advantage by the people's payments: and if they ſhould ſay, they are the ſame men they were, we may call their fellow members that have ſat with them to witneſs, whether the proverb be not true, that *honores mutant mores*; whether they have the ſame opinion and the ſame freedom they had before. Nay, may it not be ſaid without offence, that even in this Houſe of Commons there are not a few, who when they were choſen, were looked upon as men of eſtates, and are either ſince grown, or diſcovered to be of that indigent condition, that they are much fitter to receive the public maintenance, than give the public money? And it may be charitably ſuppoſed, that thoſe gentlemen are ſo modeſt as to be willing to lay down, if they could, the public truſt. But 'tis moſt certain, that thoſe places they ſerve for, would not be willing to continue them in it. There is no queſtion, but 'tis the King's undiſputed prerogative, to call and end parliaments when he pleaſes: and no man, or number of men, can limit him a time; but the greateſt prince cannot avoid being limited by the nature of things: repreſentatives of the people are neceſſary to the making laws; and there is a time when it is morally demonſtrable, that men ceaſe to be repreſentatives, there being circumſtances and properties that diſtinguiſh every thing, as well as perſon, in the world. So that, to conclude this head, we owe the prince the obſervance of his time and place, both for calling and duration of parliaments; and the prince owes us not only the frequencies of parliaments, but that our repreſentation ſhould be preſerved to us in them.

" And farther, if you conſider the conſtitution of our government, where the king, as head, (from whom all the vital and animal ſpirits are diffuſed through the body) has the care of all, whoſe intereſt it is to ſeek the welfare of the whole, all being his; the ſtrength of the nation being his ſtrength, their riches his riches, their glory and honour his glory and honour; and ſo on the contrary: But, leſt paſſion, miſtake, flattery, or the

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ill deſigns of thoſe about the prince, ſhould make him go croſs to his real, and follow a deſtructive, imaginary intereſt, there is an eſtate of hereditary nobility, who are by birth-right the counſellors of the kingdom, and whoſe intereſt and buſineſs is to keep the balance of the government ſteady, that the favourites and great officers exceed not their bounds, and oppreſs the people; that juſtice be duly adminiſtered, and that all parts of the government be preſerved intire; yet even theſe may grow inſolent (a diſeaſe greatneſs is liable to) or may, by officers, dependencies, hopes of preferment, and other accidents, become, as to the major part of them, rather the obſequious flatterers of the court, than true ſupporters of the public and Engliſh intereſt; and therefore the excellency of our government affords us another eſtate of men, which are the repreſentatives of the freeholders, cities, principal boroughs, and corporations of England; who, by the old law, were to be choſen once a year, if not oftener; ſo that they perfectly gave the ſenſe of thoſe that choſe them, and were the ſame thing as if thoſe were preſent that choſe, they ſo newly coming from them, and ſo quickly returning to give an account of their fidelity, under the penalty of ſhame, and no farther truſt."

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"It cannot be paſſed over with ſilence, nor conſidered without great thoughts of heart, to what a price a member of the Houſe of Commons' place is come. In former times, when parliaments were ſhort and frequent, the members conſtantly received their wages, both from the counties and boroughs; many of the poorer boroughs petitioned to be excuſed from ſending members, as not being able to bear their charge, and were ſo: laws were made in favour of the gentry, that corporations ſhould compel none but the freemen of their own town to ſerve for them; nay, you ſhall find in all the antient returns of writs for knights of the ſhires, their ſureties for their appearance returned with them. But now the caſe is altered, 1,500l. and 2,000l. and lately 7,000l. is the price men pay to be entruſted. It is to be hoped, the charity of thoſe worthy perſons, and their zeal for the public intereſt, has induced them to be at this expence; but it were better to be otherwiſe; and

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there is a ſcurvy Engliſh proverb, That men that buy dear, cannot live by ſelling cheap: and beſides all theſe, the very privilege of the members, and of thoſe they protect in a parliament of ſo long duration, is a preſſure that the nation cannot well ſupport itſelf under: ſo many thouſand ſuits of law ſtopped; ſo vaſt a ſum of money withheld from the right owners; ſo great a quantity of land unjuſtly poſſeſſed, and in many caſes, the length of time ſecuring the poſſeſſion, and creating a title: and it is an obſervation not unworthy the making, that all this extent of privilege, beyond its due bounds, has firſt riſen from the members of the Houſe of Commons; but the cure of this evil is very eaſy in frequent and ſhort parliaments; the members will affect no larger privileges than are neceſſary and uſeful to them; for ſuch as oppreſs and injure others cannot expect a ſecond choice, and the preſent time is but ſhort. To all this, there are two objections that make a great ſound, but have really nothing of weight in them. The firſt objection is, that the crown is in danger if you call a new parliament: if theſe men be in earneſt that urge this, it were to be wiſhed they would conſider well what the men are who are likely to be choſen, and they are not difficult to be gueſſed at through the whole kingdom; men of quality, of eſtates, and of the beſt underſtanding: ſuch will never affect, change, or diſturb the king's government. A new parliament will be the nation, and that will never ſtick at ſmall matters to render themſelves acceptable to their prince. Would the king have acquaintance with his people? This is his way. Would he have yet more the love of his people? thus he is ſure to have it. Would the king have a conſiderable ſum of money to pay his debts, and put him at eaſe? thus he cannot fail of it; nay, he ſhall have it as a pledge of endearment between him and his people; they give it themſelves, and they know the king receives it from them. The Engliſh nation are a generous people, and have at all times expreſſed themſelves ready to ſupply even the humours and exceſſes of their princes; and ſome of the beſt beloved princes we have had, were ſuch as by war, or otherwiſe, put us to the moſt expence! Witneſs Edward I. Edward III. and Henry V. but then always they were ſatisfied that the honour of the nation was preſerved; and whatever private or perſonal exceſſes the prince had, yet the nation was ſecure; there was

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no deſign upon them, neither ſhould their money or their ſtrength be uſed againſt them: All this is the happineſs of our preſent ſtate under our moſt gracious king. But how ſhould the people know, and be ſecure it is ſo, but by thoſe they annually ſend up to parliament from among themſelves? Whereas, if the king ſhould have a great ſum of money given him by his parliament, it would be looked upon as theirs, not as the people's gift; and the beſt of men with their circumſtances, cannot avoid the ſuſpicion when they give much, to have received ſome; and men will not chearfully undergo the burden of a tax, and their own wants in the time of this general poverty, when they apprehend others have the thanks, and perhaps the reward of their ſufferings."

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"To conclude, the continuance of this parliament is impracticable . . . . . .

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"Thus you ſee it is the intereſt of all ſorts of men to have a new parliament. . . . . .

In a word, there is not to be imagined an intereſt againſt this, unleſs there be an inveterate party ſtill remaining in the world, who, to compaſs their revenge, and repair their broken fortunes, would hope to ſee the act of oblivion ſet aſide; and this happy monarchy turned into an abſolute, arbitrary, military government."

The debate laſted till eight o'clock at night, when the queſtion being put, it was carried in the negative, by only *two* voices, viz. 50 againſt 48.

The chief Lords for the addreſs were, his Royal Highneſs the Duke of York, the Duke of Buckingham, the Earls of Mancheſter, Shafteſbury, Clarendon, Mulgrave, Scarſdale and Eſſex; the Lords Halifax, Wharton, Mohun and Townſhend.

The chief Lords againſt the addreſs were, the Lords Keeper, Treaſurer, Privy Seal, and Great Chamberlain, Duke of Lauderdale; the Earls of Northampton, Briſtol and Oſſory, and *all* the Biſhops who were preſent.

THE

THE PRINCIPAL EVENTS AND OCCURRENCES OF THE MONTH OF FEBRUARY, 1770.

IN the debate on the addreſs (ſee page 121) Sir William M—h, Bart. made the following ſpeech upon occaſion of the clerk of the H—— being deſired to read a ſecond time the following words in the addreſs: *Permit us at the ſame time, to offer your M——y our moſt dutiful thanks for the favourable opinion which you are pleaſed to entertain of the conduct of your P———t.*

Mr. S———.

'THE preſent times are extremely critical; the minds of the people are alarmed, and their opinion of this H—— is not very favourable. It matters not how juſtly they entertain theſe ſentiments, ſince it is a fact no longer to be diſguiſed, that they do entertain them. This aſſembly, in order to wear off bad impreſſions, or at leaſt to prevent any new ones, ought to be extremely guarded in its expreſſions, and to take the utmoſt care that not a ſingle ſyllable be found in its Votes, much leſs in its Addreſs to to the S——, which can give them umbrage. Enough has been done already, much more, I fear, than can be juſtified, to breed ill humours, and ſower their diſpoſitions.

'Theſe words, which have been juſt now read, ſeem to me exceptionable in this light. They are apt to recall the idea of that odious tranſaction, which hangs ſo heavy upon the minds of the people, a tranſaction, of which every honeſt man, every lover of his country, ought devoutly to wiſh that every veſtige could be eraſed out of the Journals of this Houſe, and that the whole might be buried in eternal oblivion. You perceive that I mean the deciſion of the majority with regard to the Middleſex election, a deciſion which is uppermoſt in every one's thoughts, and will upon the ſlighteſt occaſion obtrude itſelf upon the imagination more than any other political object. The queſtion is not what ſenſe theſe expreſſions were meant to convey by the majority, but what conſtruction they will bear, what conſtruction the people are likely to give them. I fear they are too much calculated for making this unhappy event ruſh upon the minds of all men, making them ſuſpect that the majority either underſtand that part of the Sovereign's harangue, which correſponds to them, as an approbation

bation of their conduct in that particular, or that they intend to have it so understood by the nation. Can any honest, any prudent man, wish to draw his Sovereign into such a dangerous dilemma, into an actual opposition to the desires, to the earnest requests of his people? Whoever can embrace such counsels is neither a wise senator, nor a good citizen, nor a loyal subject: he deserves not to set his foot within these walls, nor breathe the air of a free country. Britain rejects, renounces him as a base, degenerate, apostate son, whose ignoble soul has cancelled all his franchises.

If the K——g is thus led into the snare, which is laid for him by these insidious expressions, all is over: the petitions are answered; the S———n declares against them. The fatal vote of this H—— is once more affirmed: every opening for redress is shut for ever: all branches of the legislature will have concurred in counteracting the inclinations of the people. So that there will be an end of all lenient, healing measures: adieu to the soothing flattery of petitions; adieu to the gentle strain of instructions. No resource will be left but that of rough, uncourtly remonstrances, or of severe and violent censures, or the last appeal.

I am not ignorant that the leaders of the Ministry wish for these alarming events, that they pray for some overt-act in the people, that they may apply coersive remedies to the evils, with which they are threatened: I know that they long to give us a second part of the tragedy in St. George's-fields, and to employ against their adversaries the only weapons, at which they have not been used to be beat. Such confusion, such national calamities are necessary to their cause. In such uproar, they may hope to escape; or at least to share the same fate with honester men. To what other purpose are troops marching from the extremities of the kingdom towards the capital? To what other purpose have three regiments been called over from Ireland? Are we, are all freemen to be overawed, intimidated, and frightened by legions of our own mercenaries? This was the meaning of the augmentation-bill in Ireland: three regiments can now be spared from the guard of that kingdom. O improvident ancestors, who forged chains for Ireland, and did not perceive that by the same act you ruined the liberties of your own country. You put a sword into the hands of despotism to murder that fair deity, who was the object of all your labours, all your cares. But you could never conceive that a single Englishman, much less a whole senate, could with justice adopt this motto in its most literal sense, *Vendidit hic patriam auro.*

I fear I am too warm; the subject will plead my excuse. I am concerned for the honour of the House, which I see running headlong on disgrace, and ruining its credit not only with this nation, but with all Europe. Its authority has already received a dreadful shock: whole counties declare they can place no farther confidence in it. If these words be not expunged, it may receive a greater. As long as we retain the good opinion, the affection

ſections of the people, our power and dignity will be very extenſive; when we loſe the former, the latter will follow them, and the liberty of the nation will ſhare the ſame misfortune.'

On the 22d of laſt month, (ſee page 128) the conſideration of the ſtate of the nation was adjourned in the Up— H——. This adjournment was moved by L—d W———h, and carried; upon which occaſion the following Proteſt was entered:

PROTEST *againſt the Motion to adjourn to Feb.* 15, 1770.

1. Becauſe the noble L— who moved the H—— on Monday laſt, that the L—s ſhould be ſummoned for Wedneſday, had declared in his ſpeech, that he meant on that day to make a motion, which in its conſequences would afford the opportunity of bringing under conſideration of the H——, many matters of the moſt eſſential concern to the happineſs of this country; and we think that this H—— ought not, at any time, to refuſe the requeſt of a P——, who deſires that the H—— may be ſummoned upon a motion which he promiſes to make, and which he declares to be of importance.——And we are the better warranted in this opinion, as we apprehend, that in fact, there are no inſtances of the H—— rejecting a motion for the L—s to be ſummoned.

2. Becauſe, ſeveral L—s in adminiſtration being ſenſible of the indecency and novelty of directly rejecting ſuch a motion, choſe to get it rejected indirectly, by that p———y management of moving to adjourn to a long day; and we conceive ſuch an artful conduct, unworthy of a H—— of P———t at any conjuncture; but to be particularly ſo in the preſent moment, when his M——y, in his ſpeech, has recommended ſeveral matters of the moſt ſerious nature, to our immediate conſideration, and when the univerſal diſcontent of the nation (on account of certain arbitrary and illegal proceedings, whereby their moſt valuable rights are ſubverted) threatens ſome near and dangerous criſis. In this moment, and when the Houſe has not ſat one day to do any other buſineſs than ſending a complimentary addreſs to the C—n, when it had already adjourned for almoſt one week, to adjourn for another, will, we conceive, tend to damp the hopes of that relief, for which the people do, and ought in their preſent ſituation, to look up to this H——: as it indicates an unwillingneſs to enter upon matters of the higheſt importance to the peace and welfare of the kingdom, affords a bad prognoſtic of the protection, which this H—— owes to the rights and liberties of the ſubject; and ſhews that we are more attentive to the conveniencies of adminiſtration, than to the real grievances of the people.

3. Becauſe, although no reaſon was alledged for this uncommon proceeding, one was hinted at, of an extraordinary nature indeed, whereby we are made to underſtand that this delay of a week, was neceſſary for adminiſtration to ſettle arrangements relative to an office, which was ſo cloſely connected with this H——, that

it could not ſit without the officer. It is difficult for us to give our ſentiments upon a matter, which the noble L—— who mentioned it, though called upon, refuſed to explain. But when we reflect that this hint came from a noble L—— in high and confidential office, we think it could have alluded only to the removal of the L—— H— C————r of E———d, the S———r of this H—; and when we recollect the part ſo honourable to himſelf, but perhaps ſo offenſive to adminiſtration, which that noble L—— had taken the firſt day of this ſeſſion; we cannot but be apprehenſive that there may be ſome evil counſellor hardy enough to attempt puniſhments for freedom of debate in P———t; and to dare adviſe his M——y to remove from his office, a p— of this H——, at the head of the L—, for his vote in P———t.

Richmond	Shelburne
Forteſcue	Fitzwilliam
Mancheſter	Rockingham
Portland	Willoughby
Temple	Albemarle.
Bolton	

Feb. 2. This day came on by adjournment, the conſideration of the State of the Nation in the U— H—. (ſee page 129) The motion was made by the Marquis of R———, to reſolve, "That the H—— of C———— in the exerciſe of its judicature in matters of election, is bound to judge according to the law of the land, and the known and eſtabliſhed law and cuſtom of P———t which is part thereof."

The debate was long and violent. (See the ſpeeches of the Earls of S—— and Ch—— in pages 139, 142.) The Houſe of C——, were at different times treated very cavalierly, and the terms *corrupt body*, *venal aſſembly*, were frequently uſed.—In favour of the motion it was argued, "that as the ſtate conſiſted of three branches of legiſlation, K——g, L——ds, and C—m—ns, each had a right to inſpect into the ſtate of the other, particularly when it was ſuppoſed that one had infringed on the bounds of their prerogative. It was aſked, if it was not ſo, why the two other eſtates were conſtituted; as they would be eſtabliſhed to very little purpoſe, if they had not at all times the power of *checking*, as well as *co-operating*. Lord Ch——m particularly obſerved, that this was ſo plain and common a procedure, that he wondered how any one, in the leaſt acquainted with the hiſtory of his own country, could poſſibly gainſay it."

Thoſe on the ſide of a———n, inſiſted that "the privilege of the H. of C. extended at any time to expulſion and incapacitation; that they were definitive in their judgment, ſo far as reſpected their members, and the orders of their aſſembly. They then quoted two precedents; the one in the caſe of Lionel, E—l of M—dl—x; and the other in that of Lord Bacon, who were both expelled the great aſſembly they belonged to, and by a vote of that aſſembly, rendered incapacitated from ever ſitting there.

They

They further diſputed the legality of Mr. W——s's election; alledging, that it was procured by violence and intimidation, and not by the free, uninfluenced votes of the freeholders."

This debate being in a committee, and having laſted 'till half an hour paſt eleven o'clock, the queſtion was put, "whether the Sp———r ſhould reſume the chair," and that being carried, the *previous queſtion* was put upon the original motion, which was carried alſo. The numbers were 96 againſt 47*, upon which occaſion the following PROTEST was entered.

Diſſentient.

1. Becauſe the reſolution propoſed was in our judgment highly neceſſary to lay the foundation of a proceeding which might tend to quiet the minds of the people, by doing them juſtice, at a time

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* *The following is a Liſt of the Minority in this diviſion.*

Dukes

Richmond
Mancheſter
* Devonſhire
Northumberland
Bolton
Portland

Marquiſs

Rockingham

Earls

Thanet
Aylesford
Suffolk and Berkſhire
Huntingdon
Chatham
Coventry
Radnor
Scarborough
Stamford
Temple
* Dartmouth
Berkeley
Effingham
Buckinghamſhire
Albemarle
Fitz-William

* Abingdon
Tankerville

Viſcount

Torrington

Biſhops

John Bangor
Fred. Exon

Barons

Lyttelton
Groſvenor
Abergavenny
Audley
Wycombe
Camden
Chedworth
Craven
Archer
* Romney
Trevor
* Sondes
Boyle
King
Forteſcue
Monſon
Ponſonby
Milton
Hyde

Thoſe mark'd thus * did not proteſt.

when

when the deciſion of the other Houſe, which appears to Us inconſiſtent with the principles of the conſtitution, and irreconcileable to the law of the land, has ſpread ſo univerſal an alarm, and produced a general diſcontent throughout the kingdom.

2. Becauſe although we do not deny that the determination on the right to a ſeat in the Houſe of Commons is competent to the juriſdiction of that Houſe alone, yet, when to this it is added, that whatever they in the exerciſe of that juriſdiction think fit to declare to be law, is therefore to be conſidered as law, becauſe there lies no appeal; We conceive ourſelves called upon to give that propoſition the ſtrongeſt negative; for if admitted, the law of the land (by which all courts of judicature, without exception, are equally bound to proceed) is at once overturned, and reſolved into the will and pleaſure of a majority of one Houſe of Parliament; who, in aſſuming it, aſſume a power to over-rule at pleaſure the fundamental right of election, which the conſtitution has placed in other hands, thoſe of their conſtituents: and if ever this pretended power ſhould come to be exerciſed to the full extent of the principle, that Houſe will be no longer a repreſentative of the people, but a ſeparate body altogether independent of them, ſelf-exiſting and ſelf-elected.

3. Becauſe we are told that expulſion implies incapacity, and the proof inſiſted upon is, that the people have acquieſced in the principle by not re-electing perſons who have been expelled; we equally deny the poſition as falſe, and reject the proof offered as in no way ſupporting the poſition to which it is applied. We are ſure the doctrine is not to be found in any ſtatute or law book, nor in the journals of the Houſe of Commons, neither is it conſonant with any juſt or known analogy of law. And as not re-electing would at moſt but infer a ſuppoſition of the electors approbation of the grounds of the expulſion, and by no means their acquieſcence in the concluſion of an implied incapacity, ſo were there not one inſtance of a re-election after expulſion but Mr. Woollaſton's, that alone demonſtrates that neither did the conſtituents admit, nor the Houſe of Commons maintain incapacity to be the conſequence of expulſion. Even the caſe of Mr. Walpole ſhews, by the firſt re-election, the ſenſe of the people, that expulſion did not infer incapacity; and that precedent too, which is the only one of a declaration of incapacity, produced as it was, under the influence of party violence, in the latter days of Queen Anne, in ſo far as it relates to the introduction of a candidate having a minority of votes, it decides expreſsly againſt the proceeding of the Houſe of Commons in the late Middleſex election.

4. Becauſe as the conſtitution hath been once already deſtroyed by the aſſumption and exerciſe of the very power which is now claimed, the day may come again when freedom of ſpeech may be criminal in that Houſe, and every Member who ſhall have virtue enough to withſtand the uſurpation of the time, and aſſert the rights of the people, will for that offence be expelled by a factious and corrupt majority; and by that expulſion rendered incapable

of

of ſerving the public: in which caſe the electors will find themſelves reduced to the miſerable alternative of giving up altogether their right of election, or of chuſing only ſuch as are enemies of their country, and will be paſſive at leaſt, if not active, in ſubverting the conſtitution.

5. Becauſe although it has been objected in the debate that it is unuſual and irregular in either Houſe of Parliament to examine into the judicial proceedings of the other, whoſe deciſions as they cannot be drawn into queſtion by appeal, are, it is ſaid, to be ſubmitted to without examination of the principles of them elſewhere; we conceive the arguments go directly to eſtabliſh the exploded doctrine of paſſive obedience and non reſiſtence, which, as applied to the acts of any branch of the ſupreme power, we hold to be equally dangerous; and though it is generally true that neither Houſe ought lightly and wantonly to interpoſe even an opinion upon matters which the conſtitution hath entruſted to the juriſdiction of the other, we conceive it to be no leſs true that where under colour of a judicial proceeding, either Houſe arrogates to itſelf the power of the whole legiſlature, and makes the law which it profeſſes to declare; the other not only may but ought to aſſert its own right and thoſe of the people; that this Houſe has done ſo in former inſtances, particularly in the famous caſe of Aſhby and White, in which the firſt reſolution of the Lords declares, "that neither Houſe of Parliament hath any power by any vote or declaration to create to themſelves any new privilege that is not warranted by the known laws and cuſtoms of Parliament!" We ought to interfere at this time, the rather as our ſilence on ſo important and alarming an occaſion might be interpreted into an approbation of the meaſure, and be a means of loſing that confidence with the people which is ſo eſſential to the public welfare that this Houſe, the hereditary guardians of their rights, ſhould at all times endeavour to maintain.

6. Becauſe, upon the whole, we deem the power, which the Houſe of Commons have aſſumed to themſelves, of creating an incapacity, unknown to the law, and thereby depriving, in effect, all the electors of Great Britain of their invaluable right of election, confirmed to them by ſo many ſolemn ſtatutes, a flagrant uſurpation, as highly repugnant to every eſſential principle of the conſtitution, as the claim of ſhip-money by King Charles I. or that of the ſuſpending and diſpenſing power by King James II. This being, indeed, in our opinion, a ſuſpending and diſpenſing power aſſumed and exerciſed by the Houſe of Commons againſt the ancient and fundamental liberties of the kingdom.

Temple	Torrington	Northumberland
Audley	Archer	Craven
Camden	Wycombe	Portland
Radnor	Chedworth	Thanet
Suffolk	Hyde	Aylesford
Rockingham	Scarborough	Berkeley
Stamford	Boyle	John Bangor

Tankerville

Tankerville	Trevor	Bolton
Forteſcue	Richmond	Manchester
King	Lyttelton	Chatham
Ponſonby	Fitzwilliam	Albemarle
Monſon	Coventry	Abergavenny
Huntingdon	Fred. Exon	Milton
Buckinghamſhire	Effingham	Groſvenor. 42

The queſtion being now got rid of, and notwithſtanding it was paſt 12 o'clock, the E— of M———t made the following motion: "That any reſolution of this H——, *directly* or *indirectly* "impeaching a judgment of the H—— of C——— in a matter "where their juriſdiction is competent, final, and concluſive, "would be a violation of the conſtitutional right of the C——ns, "tends to make a breach between the two H——s of P———t, "and leads to a general confuſion."

It ſhould ſeem that the Sc—h kept this motion in their pockets; and that they reſerved themſelves for it; as neither the E— of M——, who made it, nor L—d M——d, who ſupported it, opened their mouths till now; when they both ſpoke with great vigour. The E— of M——— threw out, by way of menace to the oppoſition, That if they went but one ſtep further, they would juſtify the neceſſity of calling in *foreign aſſiſtance*. The D— of R——— called him to order, and aſked for an explanation of the words *foreign aſſiſtance*. But he *ſhuffled* it off. L—d M——d, in a long ſpeech, inſiſted that their L———ps had no right to interfere in any determination of the C——ns. The E— of E—— ſaid the late petitions were highly cenſurable, that the people had no right to preſent ſuch petitions, for that they were treaſonable. The E— of Ch——m thanked him for his *lenity* in permitting the petitioners to have their heads on one day longer: And ſaid the petitions were laudable and conſtitutional; and the right of the people, to preſent them, undoubted. He then replied to L— M———d, and ſhewed the juſtice and neceſſity of the H—— of L—— interfering in caſes of an invaſion of the peoples liberties, or an unconſtitutional determination of the H—— of C———; and he affirmed, that the caſe of the county of Middleſex fell under both thoſe denominations. Then he conjured them, by the noble blood which had run for ſo many ages in their veins, and by the noble ſtruggles of their anceſtors in behalf of liberty, not to behold with indifference a tranſaction ſo alarming; and modeſtly ſaid of himſelf, for his own part, he was hardly warm in his ſeat. He quoted Lord Somers and Chief Juſtice Holt, in ſupport of his law: and drew their characters very finely. He called them *honeſt men*, who knew and loved the Engliſh conſtitution. Then turning to L— M——d, he ſaid, I vow to God I think the noble L—d equals them both—*in abilities*. Towards the concluſion he complained ſtrongly of the motion's being *ſudden*, and made at midnight, and preſſed the neceſſity of an adjournment of only *two days*. He ſaid, among other things, if the conſtitution muſt be

be wounded, let it not receive its mortal ſtab at this dark and midnight hour.

In the courſe of the debate the E— of S———ch took occaſion to charge L—d C———n (the late Chan——r) with duplicity of conduct, becauſe he permitted thoſe proceedings which had given ſo much diſguſt, and was the cauſe of the preſent diſturbances, without remonſtrating to the K—— againſt them; and had *refuſed* to give his opinion thereon.* L— C———n anſwered him, by declaring upon his honour, that long before Mr. W——'s expulſion, and alſo before the vote of incapacity, on being aſked his opinion, by the D——e of G———n, he informed his G——e, that he thought it both illegal and imprudent, that he had ever been of that opinion, and that he had frequently delivered his opinion to that effect. The D—e of G———n replied, that it was true his L———p had once before the expulſion ſignified, *but not in expreſs terms*, that he thought the expulſion impolitical, or ill-timed, but that he never had given his opinion on the vote of incapacity; on the contrary, that whenever that ſubject was agitated in C——l, his L——p was ſilent thereupon, or withdrew himſelf from the Council Board; and by that means had refuſed or declined ever giving any opinion relative thereto. The D—e of G———n was ſupported in this aſſertion by L—d W———h, who declared from his knowledge of the facts, that what his G—e alledged was true, and then pointed out the particular time when L—d C———n *withdrew* his advice and aſſiſtance from the C———l, on the very mention of the ſubject of expulſion and in-

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* This *upright* Peer, who charged L— C——n with duplicity, alſo urged, "That the L— Ch——r was, in law, *The keeper of the K——'s conſcience*; and if any error had been committed with regard to the M———x E———n, he was reſponſible for it, never having declared againſt it in C——l.". L—d C———n, in anſwer to L—d S——h, ſaid, "That he allowed there was ſuch an expreſſion in law, as the C———r being the *keeper of the K——'s conſcience*; but that it was vague and indeterminate; that the laws were the keeper of the K—'s conſcience."—But ſuppoſing a K—g to be diveſted of all conſciencious principles, how is a Chancellor to act in ſuch a caſe? Is he to be reſponſible for every wicked and impolitic ſtep, a weak or a deſperate Pr—e chuſes to take, and to acknowledge and juſtify the legality of every infringement he may make on the liberties of his ſubjects? No; there is ſomething ſo abſurd in this doctrine, that a man, little better than an ideot, would be aſhamed to hear it repeated. It is well known, the King had his favourites about him; his favourites rendered an honeſt man's advice abortive by their adulation. The adulation of favourites has too frequently been the deſtruction of the beſt of Kings.

capacity.† The n——e L——d thus reflected on, then with great candour admitted that, after he had repeatedly given his opinion on the inexpediency of the meaſures in queſtion, when he found both his advice and opinions rejected and deſpiſed; and that the n——e perſons, who had the immediate direction of them, were determined to carry them into execution againſt every remonſtrance he ſhould make; he did always withdraw himſelf from the C———l, whenever thoſe ſubjects were agitated, and that he had declined giving any farther opinion or advice relative thereto. But his L———p declared, that his reaſons for ſo withdrawing himſelf proceeded from a conviction that his preſence would only impede and diſtract meaſures which were determined upon, and which his *ſingle* voice could not prevent; that his further opinion had never been directly or indirectly aſked, becauſe the conductors were convinced he would have adviſed againſt it; but that he was ever ready, as his M———y's ſervant, to have given both his advice and opinion, had either been aſked. The E—l of C—th—m then vindicated L—d C———n, by aſſuring their L——ps, that, to his particular knowledge, the n—e L—d was againſt that meaſure, for in ſeveral converſations with him, he declared his opinion, and ſupported it by reaſons, ſhewing its impropriety and unconſtitutionality. The H—— then called out, "The queſtion! the queſtion!" And it being half an hour paſt one o'clock in the morning, the queſtion was put and carried in the affirmative. Upon which the following ſpirited PROTEST was entered:

Diſſentient,

1. Becauſe we apprehend that the rights and powers of the Peerage are not given for our own particular advantage, but merely as a conſtitutional truſt, to be held and exerciſed for the benefit of the people, and for the preſervation of their laws and liberties; and we ſhould hold ourſelves betrayers of that truſt, unworthy of our high rank in the kingdom, and of our ſeats in this Houſe, if we conſidered any one legal right of the ſubject, much leſs the firſt and moſt important of all their rights, as a matter indifferent and foreign to the Peers of this kingdom.

2. Becauſe by this reſolution it is declared to the world, that if the Houſe of Commons ſhould change the whole law of election, ſhould transfer the rights of the freeholders to copyholders and leaſeholders for years, or totally extinguiſh thoſe rights by an arbitrary declaration; ſhould alter the conſtitution of cities and boroughs with regard to their elections; ſhould reverſe not only all the franchiſes of ſuffrage which the people hold under the common law, but alſo trample upon the ſanctions of ſo many acts of

† From hence it is indiſputable, that the meaſures of Mr. W——'s expulſion and incapacitation were *previouſly* concerted in C——; and the determination of the H— of C——s *only followed in courſe*.

that

Parliament made for declaring and ſecuring the rights of election; that even in ſuch a critical emergency of the conſtitution, the people are to deſpair of any relief whatſoever from any mode, or direct or indirect interference of this Houſe.

3. Becauſe by this reſolution the Houſe not only refuſes to ſtand by the people, in caſe they ſhould ſuffer the moſt grievous injuries from their Repreſentatives, but it abdicates its ancient and unqueſtioned province and duty of the hereditary Council to the Crown, rendering itſelf unable to give its advice in a point, in which, of all others, the King may ſtand in the greateſt need of the wiſdom and authority of the Peers, a point ſuch as the preſent, in which numbers of the conſtituents have, in a manner agreeable to law, carried up their complaints to the Throne againſt their Repreſentatives.

4. Becauſe by the ſaid reſolution we do a moſt material injury to the Houſe of Commons itſelf; the reſolution, by the ſtudied latitude of the words "directly or indirectly to impeach," puts it out of the power of the Lords to offer, either in the preſent or in any future unfortunate difference between them and their conſtituents, even in the way of friendly conference, our amicable and healing mediation; the want of which may be a means of letting ſuch difference run to extremities, fatal to the Houſe of Commons itſelf, to the conſtitution, and to the nation.

5. Becauſe, we conſider ourſelves alſo, as an Houſe of Parliament, to be moſt materially intereſted that the people ſhould be legally and conſtitutionally repreſented; for as the Houſe of Commons makes an eſſential part of Parliament, if that Houſe ſhould come to be choſen in a manner not agreeable to the laws and conſtitution of the kingdom, the authority of Parliament itſelf muſt ſuffer extremely, if not totally periſh; the Peers can no more in their legiſlative capacity do any valid act, without a "legal Houſe of Commons" than without a "legal Prince upon the Throne."

6. Becauſe, by this reſolution the conſtitutional controul has been given up, which this Houſe, as appears by ancient and recent precedents, have conſtantly claimed and exerciſed, and for the purpoſe of which, the legiſlature has been divided into ſeparate branches; we are far from denying ſuch a reciprocity of controul in the other Houſe, even in matters within our ſeparate and final juriſdiction, neither arrogating to ourſelves, nor acknowledging in others any power diſtinct from or above the laws of the land: but we cannot behold without the utmoſt ſhame and indignation, this Houſe making a voluntary ſurrender of its moſt undoubted legal, neceſſary, and ſacred rights, not only omitting, but refuſing to examine precedents; not previouſly deſiring a conference with the other Houſe to diſcover whether they were inclined to admit in this Houſe a correſpondent immunity from interpoſition on their part, in matters within the particular juriſdiction of the Peers. Theſe proceedings, are as derogatory from the dignity of the Houſe, as they are contrary to its duty and its intereſts: They cannot fail of lowering this Houſe in the opi-

nion of mankind, who will not believe that the Peers can have any attention to the welfare of the people when they have ſhewn ſo little regard to their own honour. This reſolution muſt tend to forward that plan, which with great uneaſineſs we have ſeen for a long time ſyſtematically carried on for lowering all the conſtitutional powers of the kingdom, rendering the Houſe of Commons odious, and the Houſe of Peers contemptible.

7. Becauſe, the impropriety of this reſolution was infinitely aggravated, by the ſudden and ſurreptitious method by which it was brought into, and carried through this Houſe. That a reſolution, new in matter, wide in extent, weighty in importance, involved in law and parliamentary precedents, ſhould be moved at midnight, after the Houſe was ſpent with the fatigue of a former debate: that an adjournment of only two days, to enable the Lords to conſult the Journals on this important point, ſhould be refuſed, and that an immediate diviſion ſhould be preſſed, are circumſtances which ſtrongly mark the opinion of the movers upon the merits of their own propoſition: ſuch a proceeding appears to us altogether unparliamentary and unjuſt; as it muſt, in every inſtance where it is practiſed, preclude all poſſibilty of debate, and when by this means all argument and fair diſcuſſion is ſuppreſſed, the deliberations of the Houſe will degenerate into ſilent votes.

We think ourſelves, therefore, as Peers, and as Engliſhmen and freemen, (names as dear to us as any titles whatſoever) obliged to proteſt againſt a reſolution utterly ſubverſive of the authority and dignity of this Houſe, equally injurious to the collective body of the people, to their repreſentatives, and to the Crown, to which we owe our advice upon every public emergency—a reſolution, in law unconſtitutional, in precedent not only unauthoriſed but contradicted; in tendency ruinous; in the time and manner of obtaining it unfair and ſurreptitious: and we here *ſolemnly declare and pledge ourſelves* to the public, that we will perſevere in availing ourſelves, as far as in us lies, of every right and every power, with which the conſtitution hath armed us, for the good of the whole, in order to obtain full relief for the injured Electors of Great-Britain, and full ſecurity for the future againſt this moſt dangerous uſurpation upon the rights of the people, which, by ſapping the fundamental principles of this government, threatens its total diſſolution.

Temple	Hyde	Tankerville
Audley	Scarborough	Forteſcue
Camden	Boyle	King
Radnor	Northumberland	Ponſonby
Rockingham	Craven	Monſon
Stamford	Portland	Huntingdon
Torrington	Thanet	Trevor
Archer	Aylesford	Richmond
Wycombe	Berkeley	Lyttelton
Chedworth	John Bangor	Fitzwilliam

Coventry

Coventry	Manchester	Abergavenny	
Fred. Exon	Chatham	Milton	
Effingham	Albemarle	Groſvenor.	40
Bolton			

Feb. 7. The two preceding proteſts having been printed in one of the public news-papers, E— G———r complained of a b——ch of pr———e, and moved that the printer ſhould attend on the 10th. But he abſconded.

Feb. 10. The E—— of S———ch moved, That the Printer, having been guilty of a contempt of that H——, by not attending according to order, a farther order ſhould iſſue to take him into the cuſtody of the U—— of the B—— R——. The D—— of R——— then moved, that the ſtanding O—— of the H——, ſhould be read; by which it is directed, That no perſon ſhould be taken into cuſtody for a b——— of pr———e, but upon charge on oath at the Bar of this H——; and that the P— who made the motion ſhould pay all expences to the perſon ſo taken into cuſtody, in caſe the charge is not made good againſt him. His G—— at the ſame time obſerved, that numberleſs other b———s of p——— of the ſame ſort, (which he illuſtrated in the caſe of Mungo Campbell, whoſe appeal from the Court of Juſticiary was inſerted in the public papers of laſt week, &c.) had been paſſed over in ſilence: and he thought that *partial juſtice* was *injuſtice*. He added, that motions of this kind, it was well known, always came from a particular quarter, and were confined to thoſe things which tended to their own diſgrace. It would alſo appear to the world, he ſaid, that this proſecution was owing to their fears that their proceedings ſhould become known. L— W—— then roſe; but what he *talked* we have not been able, with our utmoſt diligence, to diſcover. L—— L— D——— has baffled our ſearch almoſt as effectually, as we could only hear from him, "That the riots and tumults out of this H—, and *all this here* was owing to ſome people; but hoped for peace for quietneſs ſake." E— T——— addreſſed himſelf to thoſe very conſiſtent L——s who complained of the publication of theſe Proteſts, which he thought ought to be ecchoed from every part of the Britiſh empire. He affectedly praiſed them for great conduct, in having always acted according to their ſituation. He obſerved that ſome drank ſo deep of the waters of *Lethe*, a river which runs near St. James's, that they had totally forgot their former conduct in the Proteſt on the American affairs and the Eaſt-India Company; which Proteſts, he had been informed, and believed, were publiſhed by ſome L—s concerned in the preſent queſtion; that he had been poſſeſſed of evidence to prove, that many pens were employed and paid by government, to aſperſe the private character of particular perſons, as in the caſe of himſelf and his noble brother. He ſaid he could remember the Briton and the Auditor which produced the famous North-Briton, which beat them with their own weapons; that miniſters had always been deemed fair game, but the preſent hirelings had carried their attacks to private charac-

ters

ters in the moſt ſcurrilous and infamous manner; that they had ſtooped low enough even to attack the perſon, the ſhape, the figure, but if a ridicule on his figure could give a dinner to a miſerable crew of hireling ſcribblers, he could not be diſpleaſed—it did not hurt him;—contempt and prudence made him ſilent to the provocation:—Let the ſtricken deer go weep—he was not wounded by it—he deſpiſed their invectives: Whilſt he ſtood well in the good opinion of the ſober and honeſt part of the people, he was perfectly contented and happy. In ſhort, he ſaid they acted like ſchool-boys, who begin the battle, and when they are beaten run away whimpering to the Doctor, complaining of ill treatment.

The O—— however paſſed, That the Printer ſhould be taken into the cuſtody of the U—— of the B—— R——. But he has wiſely kept out of the way.

Sir W——m M———h having took occaſion from what paſſed in the U—r H—e (on L—d C——n's refutations of the miniſterial calumny) to mention that he had heard it aſſerted in a certain place, that the r——ns of that H——e, reſpecting the M——x e——n were *previouſly* concerted in a Cabinet Council, which he thought a great reflection upon the H——e; L—d N——h got up and affirmed the contrary; and added that thoſe r———s were never agitated in Council. Theſe contradictory aſſertions gave riſe to a curious explanation of the preſent Cabinet Council; which was publiſhed in the papers.——The Cabinet Council *nominally* conſiſts of the Lord Chancellor, the Lord Preſident, the Firſt Lord of the Treaſury, the Lord Privy Seal, the Secretaries of State, the Commander in Chief, and the Firſt Lord of the Admiralty. The perſons who held theſe offices at the time alluded to, (viz. laſt winter) were Lord Camden, Earl Gower, the Duke of Grafton, Earl of Briſtol, Earl of Rochford, Viſcount Weymouth, Earl of Hilſborough, Marquis of Granby, and Sir Edward Hawke. It may therefore be true, that the expulſion of Mr. Wilkes, and the election of Mr. Luttrell, were not concerted in this council: but let us conſider of whom the Cabinet Council *really* conſiſts. Firſt, there is the *Right Hon. James Stuart Mackenzie*, the brother, and *the locum tenens* of the Earl of Bute. The next is *Sir Gilbert Elliot, Bart.* another Scot, who has many good places; he is private friend and confident of the Earl of Bute. The third is *Charles Jenkinſon, Eſq*; a Lord of the Treaſury, and Auditor of Accounts to the Princeſs Dowager of Wales. He was Lord Bute's private Secretary, when his Lordſhip was publicly at the head of the Treaſury. The fourth is *Samuel Martin, Eſq*; who b——d the late Duke of Newcaſtle, and attempted to k— Mr. Wilkes. He is Treaſurer to the Princeſs Dowager of Wales; and was another of Lord Bute's Secretaries. The fifth is *Lord North*; who was ſtrongly recommended to, and forced into the Exchequer, (upon the death of the late Mr. Cha. Townſhend) by the irreſiſtable weight and influence of CARLETON HOUSE. *Will any body doubt, that theſe men*, under ſuch patronage, *would heſitate a moment about concerting and executing any meaſures?* It may therefore be

be *true*, that the late *violent* meaſures, and ſome others equally *vindictive*, which are *now* carrying on, were all concerted in a Cabinet Council. While theſe Clerks continue in their preſent ſtations, and a ſet of ſecond-rate men can be found to take upon them reſponſible offices, the preſent corrupt and wicked manner of conducting the public buſineſs, and determined malice againſt the liberties of Engliſhmen, will not ceaſe. It is owing to a reſolution to keep theſe underlings and ſpies in office (for they are nothing elſe) that every honeſt man of abilities is afraid to enter into adminiſtration. A reſolution that tends to forward that plan, which has been for a long time carried on, for lowering all the conſtitutional powers of the kingdom.

(To be continued.)

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THE LONDON MUSEUM

For APRIL 1770.

To the EDITOR *of the* LONDON MUSEUM.

SIR,

AS your work has merit, and is in good repute, I have ſent you A FAITHFUL JOURNAL OF THE PROCEEDINGS OF A POLITICAL CLUB, DURING THE MONTH OF MARCH; which I am perſuaded will not be any diſgrace to your Book. I am, your Friend, &c.

A. B.

A FAITHFUL JOURNAL OF THE PROCEEDINGS OF A POLITICAL CLUB, *from the 28th of February* 1770, *to the 23d of March* 1770.

Wedneſday, Feb. 28. The Right Hon. George Grenville obſerved, that before the Houſe begun the buſineſs of the day, he would take notice of a thing which it greatly concerned the honour and dignity of the Houſe to provide a remedy for. This was the infamous manner in which the Houſe exerciſed its juriſdiction on elections. That it was the conſtant barefaced procedure in every petitioner to ſolicit the attendance of each member. At firſt he would only aſk you to at-

tend to his *merits*, but if you promiſed that, he next would aſk, well, but will you attend for me ?—and he was ſorry to ſay, that even this requeſt was too frequently granted on all ſides—nay, that in every election cauſe, a few members were dignified with the appellation of *managers* ; a very proper appellation for thoſe, who immediately after were to be made judges. That it was alſo the cuſtom for the benches to be exceeding thin when the cauſe was to be tried, but before the queſtion was *put*, the Houſe became exceeding full, as the members who had thus promiſed their attendance, looked on nothing more as neceſſary than to give their votes. At dinner time many made no ſcruple, though the cauſe was not determined, of *pairing off*, as it is called; ſome pair'd off for every queſtion in the election, others for a day, or a few hours only—it was even got to ſo notorious a point, that, at the beginning of every election cauſe, ſome queſtion was brought on to try their ſtrength, as it is called, and the party who are the weakeſt in numbers, though often the contrary in merits, are forced to give up to a cold and fruitleſs expence.—In ſhort, he appealed to the conſciences of every gentleman in the Houſe, if any of them would chuſe to determine their property before the Houſe of Commons, if a jury of porters, or chairmen, could be obtained for that purpoſe.

That he mentioned this as a grievance, very proper to be redreſſed, and that if the Houſe was of his opinion, he would name a day, when he would make a motion for leave to bring in a bill for that purpoſe.

The notoriety of the affair made the whole Houſe concur in his ſentiments, and a day was appointed for a motion to be made—every gentleman who ſpoke on the ſubject, adding ſome freſh reaſons to ſhew the neceſſity of ſuch a motion.

Mr. Grenville then ſaid, before the Houſe reſolved itſelf into a committe, he had a motion to make, which was, that an account of the expenditure of the Civil Liſt money ſhould be laid before the Houſe for the year, ending the 5th of January, 1770.

In ſupport of this motion, it was obſerved, that the 800,000l. granted to his Majeſty by Parliament, with the additional revenues, which, one year with another, amounted to 40,000l. was an honourable and ample revenue for the dignity

nity of the Crown, and his Majeſty's private expences. That notwithſtanding this revenue, the crown had run conſiderably in debt, as the demand laſt year made on Parliament ſufficiently ſhewed; that there was reaſon to fear the annual expenditure ſtill increaſed, from additional penſions and ſecret ſervices, which the nation apprehended were granted for the purpoſes of betraying the conſtitution by undue influence on Parliament.——In 1764, the expenditure of the Civil Liſt amounted to 870,000l. that ſince that time, by the deaths of the Dukes of Cumberland and York, a revenue of upwards of 30,000l. had fell into the Crown, and yet that the expenditure in 1768 amounted to 900,000l. an additional expence, if compared with that of 1764 of 60,000l. which there was great reaſon to fear had been employed againſt the people, as the King's private expences were not increaſed.—That the late King not only made the revenue anſwer all his purpoſes, but left behind him ſavings to the amount of 170,000l. which the preſent King had received and ſpent;—that the accounts of the nine laſt years, which lay on the table, were not ſatisfactory, as ſome *items* were of large ſums, as 200,000l. in one article was intended to pay;—that the miniſter (Lord North) would not even promiſe for the future to keep the expenditure within bounds, and that therefore it behoved Parliament often to call for thoſe accounts, to ſee that the people's money was not laviſhed.—That a year having elapſed ſince the laſt accounts were called for, which were only brought to the Houſe as this day, it was neceſſary to call for the laſt year's acccount, to ſee if any blame could be laid on the miniſtry.

The miniſtry (and Lord North in particular) on the contrary urged, that as no demand was now made on Parliament for money, there was no pretence to call for accounts, and that it would be indecent to enquire into the private expences of his Majeſty.——That it was undoubtedly true, that the expences exceeded the income, but that great care ſhould be taken not to increaſe it for the future; but that thoſe who had received proofs of his Majeſty's bounty, could not with juſtice and decency, be deprived of them, or abridged in their bounties;—that he could not therefore take from *this* or *that perſon*, but that for the future he would take care that he would

never adviſe his Majeſty to give ſuch marks of his bounty as ſhould oblige him to exceed his revenue, but would not promiſe that in a few years it would not be neceſſary to apply again to Parliament.——That the reaſon for calling for the accounts laſt year, was to ſee how thoſe arrears happened—but as no more money was required this year, there was no reaſon to call for accounts, eſpecially as there were nine years accounts before the Houſe; and that if this motion ſhould paſs in the affirmative, the difficulty of making up ſuch an account to an unuſual day (not quarter day) would be ſo difficult, that they could not be brought before Parliament this year.

Col. Barré, in an ironical ſpeech, rather expreſſed his ſurprize, that the miniſter ſhould promiſe ſo much as he had, conſidering the penſions had, it was ſaid, increaſed ſo much lately. That there was a ſuſpicion in the people, that a part of this revenue was expended in debauching the principles of the Houſe of Commons; that there was no occaſion for miniſterial mandates, the miniſtry having a much more gentle manner of expreſſing their commands than by mandates—ſome, for inſtance, were whiſpered they might *gain a ſtep*, by not reſigning (viz. Lord Liſburne) others a penſion for two or three generations deep (Mr. Bradſhaw and Mr. Dyſon) This was the manner of procuring friends to the miniſtry—his ſpeech was pointed—It was not anſwered.

Mr. Coxe (who ſat in that part of the Houſe where the *country gentlemen* generally ſit) obſerved that he was very happy in being amongſt a ſet of gentlemen ſo very zealous for the liberty of the ſubject—that they had always been, for many years paſt, for retrenching the expences of the crown, and the influence of penſions on the Houſe of Commons: he therefore had no doubt but they would concur in a vote to bring their accounts before the Houſe.

Mr. Medley and Sir W. Dolben (who ſat in the ſame corner) ſpoke in the name of the country gentlemen, that they were very well ſatisfied with the preſent meaſures, and therefore hoped the country gentlemen would vote againſt the queſtion.

The

The former (Mr. Coxe) ſpoke the language of the country gentlemen 30 years ago; the latter, the language of the preſent country gentlemen.

The queſtion was rejected by 262 againſt 165.

Monday, March 5. This day the affairs of North America came under conſideration. Lord North opened, with obſerving, that the act which granted a duty on tea, paper, painters colours, &c. was petitioned againſt by the merchants trading to North America; that this tax had alſo been the occaſion of moſt dangerous, violent, and illegal combinations in America; that many articles contained in that tax were ſuch, as being the manufactures of Great Britain, it was to the greateſt degree abſurd to have taxed them. For theſe commercial reaſons, therefore, it was neceſſary to move to repeal the tax on them; but as to the tax on tea, that when it was laid, another was taken off to make room for it at 25 per cent. which, on an average, amounted to near one ſhilling a pound, but that this tax only impoſed three pence a pound; therefore the Americans, who had been eaſed of the nine pence, could not, with any degree of reaſon, accuſe the Engliſh of an intention to oppreſs them, and more eſpecially if we conſider, that every ſeſſions of parliament was productive of ſome new favour to them, as bounties, free ports, &c. That he had been of opinion, with the reſt of the miniſtry at the end of the laſt ſeſſions of parliament, to write that circular letter to the governors, promiſing to repeal, on commercial principles, that part of the law which was repugnant to them; that he did this as a perſuaſive to bring them back to their duty, by a meaſure which would not at the ſame time relax the reins of government over them; he even wiſhed, could they have nouriſhed ſuch favour, to have repealed the *whole*, if it could have been done without giving up that abſolute right, he ſhould, to the laſt hour of his life, contend for taxing America; but he was ſorry to ſay, the behaviour of the Americans had, by no means been ſuch as to merit ſuch favour, their reſolutions being more violent this ſummer than ever; neither did he think a total repeal would, by any means, quell the troubles there, as experience had ſhewn, that to lay taxes when America was quiet, and repeal them when America was in flames, only added freſh claims to thoſe people on every

every occaſion; and as now they totally denied the power of Great Britain to tax them, it became more abſolutely neceſſary to compel the obſervance of the laws to vindicate our undoubted rights; that he had very good reaſons to think that the agreements in America not to trade with us, would, of themſelves, fall to the ground in a very ſhort time, as they begun to be weary of giving ſuch an advanced price for what they could not do without; that it was true indeed, our exports to America had fell much of late, viz.

In 1768, they amounted only to ——	2,378,000l.
Whereas in 1769, they amounted only to	1,634,000l.
Teas ſent to America in 1768, amounted in value to —— —— ——	132,000l.
In 1769, only to —— ——	44,000l.

Yet the diſproportion was not ſo great as might appear, as in the former year, it ſeems as if they had lain in a double ſtock of goods, expecting the agreement of non importation which was to follow. North America, from its natural ſituation, and the dearneſs of labour would be many years before it could ſupply itſelf with manufactures, therefore we had not ſo much to fear from their reſolutions as the nation imagined; that for theſe conſiderations he moved, that leave be given to bring in a bill to repeal the tax act, as far as related to the tax on paper, glaſs, and painters colours.

Governor Pownall obſerved in anſwer, that this was not the time to diſpute the right of taxing America, that experience had ſhewn it was by no means expedient ſo to do at preſent, as the temper of the N. Americans was inflamed to an high degree; and that their combinations (which certainly are not illegal, as any man or ſet of men might agree to purchaſe, or not, goods as they pleaſed) were not ſo trifling as Lord North imagined; that there were now orders for goods to the amount of near a million, conditional on the tax being totally repealed; that as to the principles on which the other articles were to be repealed (that they were not founded on commercial principles) reached alſo to the tax on teas, which though not a Britiſh manufacture, were purchaſed by Britiſh manufactures, and by being taxed, threw a deal of that trade into the hands of the Dutch and French, who certainly would

run

run teas to America, when they would receive an advanced price of 25 per cent. by being duty free; that it was well known, every trader ſold his goods for the beſt price the purchaſer could afford to pay; that by a tax, we ſeemed to expect a double price for our commodities, one to the ſeller, another to the king; that he was clearly for taking off the whole tax, as it would be a means of reſtoring quiet and harmony again between America and England; he therefore moved to add the words, "and on teas."

The Right Hon. G. Grenville ſpoke well on this ſubject; he obſerved, that he had the beſt information before he laid the ſtamp act, that it would, and could be ſubmitted to, and paid. In laying this tax, he had therefore acted ſyſtematically, to make every part of our dominions bear a part of the public burthens, as well as partake of the public benefits; that on the troubles which happened in that country, on this act paſſing, the miniſtry which ſucceeded him, had alſo purſued a ſyſtem, which then, perhaps, was next beſt, viz. of repealing that law, taking the Americans again by the hand, and reſtoring things there to the ſtate they were in before paſſing the ſtamp act, and at the ſame time of preſerving the power of the Engliſh parliament, by a law declaring our right to tax America. He then obſerved, that no miniſter ſince that time had acted with common ſenſe; the next miniſters had laid a tax diametrically repugnant to commercial principles; bringing in no money to the ſtate (the clear amount of it being under 16,000l. a year) and throwing North America into a ten times greater flame than they had juſt been brought back from; that though he was of opinion the Americans ſhould be eaſed, yet as the miniſtry had formed no ſyſtematical plan in reſpect to them, that he was free to ſay, he looked on the propoſed repeal of part of this act as too futile to have any good conſequences, but he alſo thought the propoſed amendment by no means reached what he would have hoped for; that as he did not think the propoſal of the firſt would be of any real ſervice, he could not give his aſſent to that propoſition, ſo neither would he join his voice to the forcing a meaſure down the throats of the miniſtry, which he thought very little better, and therefore ſhould not vote in the queſtion.

Ge-

General Conway obſerved, that at the firſt laying both the preſent tax and the ſtamp-act, he had been of opinion that they were an unjuſt burthen on the Americans, as they were not repreſented; and as thoſe who laid them were intereſted parties, as by that means they threw the burthen from their own ſhoulders to thoſe of others; that as he had concurred in repealing the ſtamp-act, he heartily concurred in repealing *the whole* of the preſent act.

Sir W. Meredith ſaid, the tax ought to be repealed totally, becauſe by leaving only a part of it, the whole eſtabliſhment of the cuſtom-houſes there would remain untouched, by which means the expences would not be obtained by the tax, and muſt be paid from our own taxes; that the whole of the reaſons for not repealing the act were, that the *preamble* ſhould remain. He therefore called it a paltry *preamble-tax*;—that there was no real neceſſity to preſerve the preamble, as the law, declaratory of the rights to tax America, ſtill ſubſiſted, and even another tax, ſhewing the exerciſe of that right ſubſiſted independent of the preſent tax; but that the repealing one part, and keeping up another, for no real advantage to any but the cuſtom-houſe officers, and the miniſtry who appointed them, ſhewed the continued intentions of the miniſtry to rule with the ſame violence in all parts of our dominions.

Lord Barrington, and Mr. Welbore Ellis, oppoſed the amendment, and alſo oppoſed the firſt motion; they were not for taking off the tax at all; as they ſaw no probability that this would quiet North America, they therefore were for putting this act in execution abſolutely, and by all the powers of this nation united.

Col. Barré was for the whole repeal; he obſerved that miniſtry were not very open in their avowal of expected ruptures with France and Spain; that it was abſolutely neceſſary to pave our way to ſuch an event, by compoſing all differences at home and in our colonies; that miniſtry had had ſufficient time to make themſelves maſters of this important queſtion, and might have finiſhed ſome ſyſtem for the better regulating and governing America; but inſtead of directing their attention to national objects, they had, like the tyrant *Domitian*, when they had done miſchief every where, even amuſed themſelves

ſelves at home in catching and tormenting flies ;—— that this tax on tea was particularly unjuſt on the India Company, with whom we had agreed to take off the duty of 25 per cent. on teas, to encourage them to ſell thoſe teas at as low a price as the Dutch could ; but that whilſt we took off that duty, we laid on immediately another, which experience ſhewed, would even act as a prohibition on their teas in America.

At length the queſtion for the amendment was put, when 142 were for it, and 204 againſt it.

March 6. The Houſe reſolved itſelf into a committee on the exportation of corn. It appeared by evidence, that wheat was not of a very great price, but that it was not yet in ſuch a certain way, as to make it adviſeable to open the exportation : as to malt, that there was a great deal of *long malt*, which was low priced, and which could not be ſold at any rate, unleſs exported : it was therefore determined to ſuſpend the judgment of the Houſe in reſpect to wheat, but to bring in a bill allowing the exportation of *malt*.

March 7. The Right Hon. G. Grenville opened the purport of the bill to regulate the trial of elections : he obſerved, that the great defects of the preſent manner of determining, aroſe firſt from the number of the judges, as in all known courts of judicature in the world there was none ſo large as the Houſe of Commons ; that the conſequence of this large number was, that gentlemen, having no particular tie on them of oaths and honour, and the tedioufneſs of ſome of the cauſes, contented themſelves with giving their vote, without examining the affair as they ought to do, ſheltering themſelves under the numbers who did the ſame ; that this method of trial was not the ancient uſage of Parliament, who, as low as the Revolution, uſed to appoint tryers of petitions ; thoſe tryers generally conſiſted of the moſt reſpectable characters in the Houſe of Lords ; but by degrees, from that time, to make their deciſions more ſolemn, the whole Houſe heard them, tho' their opinions are almoſt always guided by the opinions of the law Lords. That in the Houſe of Commons, committees of dif-

ferent numbers had been invariably appointed to examine on elections. In 1672, when the Chancellor having aſſumed the power of determining elections, the Houſe appointed a committee of 200, and afterwards voted, that all who attended the committee ſhould have voices, and this mode, as to committees, has continued the ſame ever ſince. That in the late Speaker, Mr. Onſlow's time, the regularity in which he did all the buſineſs of the Houſe, and the indecencies in which committees acted, made thoſe who wiſhed to have a fairer trial of their cauſe, deſire it might be heard at the bar of the Houſe, which ſince had been deſired by all, tho' for the eaſe of the Speaker, ſome few only of the moſt conſequence could be heard there.

That in the bill he ſhould bring in, he ſhould follow exactly the conſtitutional idea of juries; that on a petition being preſented to the Houſe, complaining of an undue election, a day ſhould be appointed by the Houſe for the hearing of ſuch petition, againſt which day the parties ſhould have their witneſſes ready; that on the appointed day, 100 members at leaſt being preſent in the Houſe, (and to inſure that number, no other buſineſs ſhould be gone into till that number ſhould be preſent) the names of thoſe members being wrote on ſmall pieces of paper rolled up, and put into ſix urns on the table, the clerk ſhould alternately draw a name from each of the urns, to the number of twenty-five, who ſhould be the jury to try this cauſe; that after twenty-five names had been drawn, each of the parties concerned ſhould ſtrike ſix off the liſt, and the remaining thirteen, with one nominated by each of the parties, in the whole fifteen, ſhould in any time within twenty-four hours, proceed to trial of the cauſe; that theſe fifteen ſhould take near the ſame oath as jurymen do, and ſhould alſo examine witneſſes on oath; and that their deciſion, as to the ſeat of the member, ſhould be final to all intents and purpoſes; but if any queſtions ariſe about the rights of the electors, that ſhould be referred to the deciſion of the Houſe.

That ſeveral clauſes ſhould be inſerted, as that no member above ſixty be liable to be drawn, nor any member who ſhall have been drawn on one election, be put on another without his conſent; that they ſhould hear the cauſe publicly, but deliberate and determine in private; that the ſheriffs or witneſſes

neſſes prevaricating or offending, be puniſhed by the Houſe; if guilty of perjury, by the common law; that no one of this committee is to determine on the cauſe, if not attending the whole trial: if any fall ſick, as long as thirteen remained, thoſe thirteen to try the cauſe; any of the committee abſenting himſelf to be puniſhed by the Houſe; that the chairman be choſen by a majority of voices, and that a majority ſhall determine the cauſe.

Theſe were the principal heads on which he moved for leave to bring in a bill, "to regulate the proceedings of the Houſe on controverted elections."

Mr. Rigby made ſome little objections, that it was not neceſſary; that a *law* might be dangerous, as it could not be altered again without conſent of the Lords, which perhaps they might not conſent to; however, the reſolution was paſſed with no other oppoſition.

Monday, *March* 12. The Right Hon. W. Dowdeſwell made a motion for the accounts of the civil liſt debts, on the 5th of April 1762, and 1763, and on the 5th of July 1765, and 1766, with the account of the money of the late King remaining in the exchequer at his death, and the caſh of the preſent King in the treaſury on thoſe days.

He obſerved, the neceſſity of ſuch an account aroſe from the accounts on the table, which diſtinguiſhed the expenditure of every year; but by ſome management in drawing them up, the increaſing debt in the time of Lord Bute's adminiſtration, to the amount of 80,000l. had been transferred to the ſubſequent adminiſtrations of Mr. Grenville and Lord Rockingham; that as it was very proper the fault ſhould be laid on the perſons who had ſo miſmanaged the King's revenue, he, in his own name, and on the behalf of Mr. Grenville and the late Duke of Newcaſtle, demanded the account to be adjuſted in the manner his motion directed, as thoſe æras ended nearly their ſeveral adminiſtrations.

Lord North ſaid there was no ſort of neceſſity for ſuch accounts, as nobody accuſed any of thoſe adminiſtrations of miſmanagement, he therefore ſhould oppoſe the motion.

Lord Mountſtewart (Lord Bute's ſon) ſaid, tho' he ſaw no particular neceſſity for ſuch accounts, yet in the name of his father, and to clear his character from the aſperſion daily thrown out upon him, he hoped Lord North would conſent to the motion, that he begged it of him.

Lord North then ſaid, that as he had been deſired by that Lord in behalf of his father, he ſhould no longer oppoſe the motion.

Meſſrs. Grenville and Dowdeſwell then attacked Lord North on the influence ſome perſons had over him, to induce him to conſent to what he had refuſed, to the juſt demand of three other miniſters, who had equal right to be vindicated by theſe accounts.

It is certainly extraordinary, that ſo immediate an acquieſcence ſhould follow the deſire of Lord Bute, tho' the other gentlemen met nothing but oppoſition.

March 14. The bill for regulating the conſequence of expulſions read a ſecond time. Lord North ſaid he ſhould not oppoſe its being committed, but that in its preſent form he could not poſſibly conſent to its paſſing—no debate.

March 15. Sir Thomas Clavering moved that the King ſhould be addreſſed for a copy of the city Remonſtrance, and his anſwer to it. Some of the miniſtry ſeconded this, obſerving, that if common report was true, that it contained matter extremely offenſive to the King, and injurious to the Parliament, whoſe very being it denied, holding out to the people a ſignal for diſobedience to all laws it ſhould paſs.

The Lord Mayor declared he ſhould not put any perſon to the trouble of proving what he had done in it; that he gloried in what he had done. By the conſtitution of the city, the Mayor has a right to a negative on any queſtion, but that he not only did not uſe that power, but that he alſo promoted this queſtion; that he carried it to the King; that he ſhould ſtand or fall by the merits of the Remonſtrance, without putting the Houſe to the trouble of proving *him* conſenting; that he wiſhed the queſtion might be carried to lay it before the Houſe.

Alder-

Alderman Trecothick, the Sheriffs Townſend and Sawbridge, acknowledged and gloried in their ſhare of the tranſaction; Townſend ſaid he ſhould vote againſt the queſtion, as he looked on the Houſe as not competent in the preſent caſe, it, being the party accuſed in the Remonſtrance, would have the reſemblance of a culprit ſitting in judgment on a Judge, who would certainly ſend that Judge to Tyburn.

Lord North preſſed for the queſtion; he ſpoke in a very high ſtile, ſaid the Houſe of Commons was not corrupted, that it was now eſſentially neceſſary to vindicate the honour of the Houſe; he was ſurpriſed to ſee thoſe gentlemen who avowed the Remonſtrance, attending Parliament, as they diſavowed its being a Parliament; that there were many reaſons for taking it into conſideration; the King in his anſwer had ſaid it was diſreſpectful to *himſelf*; this alone was a ſufficient reaſon, as it was the duty of Parliament to prevent any diſreſpect being ſhewn to the King, and eſpecially it became the duty of the Houſe, when it was alſo ſaid to be injurious to Parliament, and irreconcileable to the conſtitution, which he ſaid it certainly was, as it prayed the King to take notice of a tranſaction of the Houſe, which would be a breach of privilege in the King to have done. Speaking of the Lord Mayor, he called him, "that *worthy* Magiſtrate, if I may ſtill call him worthy, after this action of his."

Lord Granby ſpoke ſhort; he wiſhed the motion might not be carried, as he feared it was opening a freſh ſcene of diſorder and confuſion, from which he ſincerely wiſhed we were free.

Mr. Edm. Burke ſpoke well on the inexpediency of the meaſure; he aſked if the Miniſtry were aware of the conſequences of ſuch an attempt; that from the preſent temper of the nation it would probably involve us in difficulties which might bring on ſudden ruin to the conſtitution, alienate the minds of men more than they yet were, from the preſent eſtabliſhment, and end in riot, confuſion, and arbitrary power.

Mr. Wedderburn alſo ſpoke exceeding well. He oppoſed the motion, as inconſiſtent both with the law of the land and votes of Parliament. That the Houſe, in two different votes, had determined the right of the people to petition for the calling, ſitting, or diſſolving Parliaments; that this vote was confirmed

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in full Parliament by the Bill of Rights; that it being legal to petition, he apprehended the Remonſtrance was not puniſhable by law. That if not puniſhable by law, this Houſe would certainly exceed its juriſdiction in proſecuting it. He aſked the Miniſtry in what manner they would proceed againſt the author of it; would they enter into a paper war, by declarations of a contrary tenor; if they ſhould, who would mind them, as a vote of the Houſe that this was a legal Houſe, would not only be ridiculous, but nugatory; would they expel the members concerned, or ſend them to priſon, this would encreaſe the inconveniencies we at preſent labour under, as the City would undoubtedly re-elect their members, and probably introduce riots not ſo eaſily to be quelled, and endanger the very being of parliaments. Would they proceed by *quo warranto* againſt the City, and deprive them of their charters, this would be a violent act, unthought of by any but the arbitrary miniſters of Charles II.

He ſpoke well and long, laying the greateſt ſtreſs on the Houſe not being competent to judge of it.

The Right Hon. G. Grenville obſerved, that the arguments made uſe of by that gentleman, ſo intirely coincided with his ſentiments that he had little more to ſay, but drew a ſtrong picture of the difficulty the miniſtry had drawn on themſelves by the firſt falſe ſtep in Mr. Wilkes's affairs; he propheſied the ſame, or worſe conſequences would attend them in the preſent caſe; wiſhed they would well conſider, and not indanger the very being of parliaments, by encreaſing the peoples deteſtation of them; obſerved, that petitions being declared legal, he feared, as we had begun by attacking the rights of the people in their electing capacity, we ſhould now proceed to attack their right, confirmed by the law of the land, and vote of parliament, to *petition*; feared the people, thus deprived of all right, would juſtly ſay, what ſignify our right to be repreſented, our repreſentatives are the inſtruments to inſlave us, we will ſooner have one tyrant than 500.

General Conway anſwered him; he obſerved, that *he* had always wiſhed the Houſe had not proceeded as they did the laſt year in the Middleſex election; he always feared the conſequences which did happen, and was not clear but worſe

would

would enſue from the preſent; but that the dignity of parliament required now that it ſhould interfere at all events; that the right of the people to petition was undoubted, yet that if ſuch petition contained treaſon, or other high offence, it certainly was puniſhable, and that though not puniſhable in the common courts, yet certainly in parliament (the ſupreme court to regulate all matters relating to the nation at large) it was; he therefore joined in the motion for calling for thoſe papers.

Several other gentlemen ſpoke on both ſides of the queſtion, but theſe were the principal arguments.

The majority carried it 271 to 110.

In the courſe of this debate, ſome altercation paſſed between Mr. Harley and the Lord Mayor, each accuſing the other of tyrannical meaſures. Mr. Harley ſaid, this remonſtrance ſet out with a falſity, in calling it the remonſtrance of the Lord Mayor, *Aldermen*, &c. whereas ſixteen of the Aldermen proteſted againſt it.

The Lord Mayor ſaid, they would have done more honeſtly in attending the Common Hall, and giving reaſons there againſt it; that the Common Hall was legally and regularly aſſembled, and that every perſon, though abſent, was included in the reſolutions of it; which is ſtrictly true.

Friday, March 16. Sir W. Meredith made a motion, that the King be deſired to proſecute the author of the Whiſperer, and other atrocious libels. Mr. Townſend obſerved, that this was extremely proper, but hoped it would not be confined to libellers of one claſs only; that he had very good reaſons to believe that *Johnſon*, who had lately publiſhed a libel againſt the conſtitution, called the *Falſe Alarm*, and Dr. Shebbeare, who had ſtood in the pillory for libelling the late King and Conſtitution, had each of them penſions granted by the miniſtry; he hoped this was not true. The Solicitor General ſaid, there was no occaſion for this motion, as proſecutions were commenced. So the motion dropped.

Mr. Burke ſaid, it was the duty of miniſtry to proſecute any libellers, whether of miniſters or private men. Lord North ſaid, they would proſecute thoſe who libelled the King, but as to himſelf, he cared not how they abuſed him.

March

Monday, March 19. The remonſtrance from the City of London, and his Majeſty's anſwer being read, Sir T. Clavering moved, that "to deny the legality of the preſent parliament, or to aſſert their acts to be invalid, was unwarrantable, tending to deſtroy the allegiance of the ſubject by withdrawing them from obedience to the laws." Seconded by Sir Edward Blackett.

Mr. Dowdeſwell moved the previous queſtion; he and other gentlemen in the oppoſition, obſerving, that by the laws of the land, and reſolutions of parliament, the right of the ſubject to petition, was indubitable; that the Bill of Rights ſays expreſsly, that it is the right of the ſubject to petition, and that all proſecutions for petitioning are illegal; that in 1701 the Houſe of Commons reſolved, that it was the right of the ſubject to petition for the calling, ſitting, or diſſolving parliaments; that this right of the people was clear, indiſputable and uncontroverted, by any ſubſequent explanations, and therefore muſt be taken in its moſt extended ſenſe.

To this the majority anſwered, that the right of petitioning was indeed indiſputable; but that if ſuch petition contained any matter falſe, injurious or illegal, as treaſon, or prayed any thing illegal, ſuch petition was highly puniſhable; and that it being in the form of a petition, did by no means free it from the proſecution or puniſhment ſuch expreſſions would meet in any other paper.

To this it was anſwered, that it would be an abſurdity to give a right to petition, without giving a right to expreſs the cauſe of ſuch petition; that in the courts of law, it is held to be no libel to uſe words and matter in the proceedings, which any where elſe would be falſe, ſcandalous, and puniſhable as ſuch. Bills of Chancery are generally ſtuffed with as many lies as words, and yet they are not actionable; nay, it has been determined, that to diſtribute a printed libel at the door of the Houſe of Commons, if ſuch libel contains reaſons againſt any bill depending in the Houſe, being the common form of procuring juſtice from the Houſe, is not actionable in the courts of law; that the reaſon for ſuch determination is obvious, as all avenues to obtain juſtice ſhould be as open and free as poſſible; that this doctrine is equally applicable to petitions,

which

which being a way of ſeeking redreſs for a grievance, ought, and legally is, equally free; and that any matter in ſuch petition, if relevant to the prayer of ſuch petition, is not puniſhable, tho' ſuch matter ſhould be falſe, provided tho', that the prayer of the petition be equally legal. On the contrary, to aſk in petition for what cannot be granted legally, is puniſhable, or, under pretence of a petition, to introduce matter not relevant to ſuch petition, if falſe, ſcandalous, or libellous, is equally ſo.

For the motion, it was urged, a part of this Remonſtrance was not relevant (viz. that part which ſays, the acts of this Parliament are vitiated by the determination on the Middleſex election) to the petition, but a ſcandalous aſſertion contrary to law, and deſtructive of the peace of the kingdom, as it tended to introduce a diſobedience to the laws, and ſounded the alarm to treaſon and rebellion. That to remove this impreſſion, it was abſolutely neceſſary for Parliament to vindicate their own authority, by coming to the propoſed reſolutions, that the people might not think, by our ſilence, that we concurred in this ſentiment of the city's, and to quiet the minds of thoſe who having procured acts under the preſent Parliament, might be under apprehenſions of their validity.

It was anſwered, that no one doubted the aſſertion to be falſe, but then it was grounded on true principles; that if the Houſe of Commons, inſtead of electing only one member into their Houſe, ſhould elect fifty, would any perſon in that caſe ſay, the Parliament had not done an act that vitiated their exiſtence. If a number of acts, illegal in themſelves, of that nature, would vitiate their exiſtence, it was not an unwarrantable, though erroneous way of judging, that one act had not vitiated it; that for us to ſay we were a Parliament, was nugatory and ridiculous. If we are a Parliament, the validity of our acts would ſhew it; if we are not a Parliament, who will believe us becauſe we ſay we are; then to publiſh a manifeſto againſt the city of London, was only aſſertion againſt aſſertion, which tended only to make us more cheap in the eyes of the people.

It was ſaid on the part of adminiſtration, that one part of the Remonſtrance (relating to Lord Camden) was falſe, and not proved; that to deſire his Majeſty to diſmiſs his miniſtry, for ſuch a meaſure, was unconſtitutional, his Majeſty, by the conſtitution, being entruſted with the ſole appointment of

his miniſters, and that none but Parliament had a right to deſire their removal, as Parliament alone is the grand inqueſt of the nation, entruſted with their liberties, and from Parliament alone are derived all the liberties of the *people*.

This doctrine was very much abuſed by the minority, the very contrary being true, viz. that Parliament received all its privileges from the people: they obſerved, that in high matters of ſtate, it was not neceſſary that every aſſertion ſhould be firſt proved, but that this had been the opinion of the proteſting Lords. That Parliament had the right to deſire the King to redreſs any grievances; but that this right was by no means confined to them. Parliaments might be corrupt, they might be influenced by the miniſter. Suppoſing that the caſe, would the ſubject be debarred from repreſenting their grievances, and deſiring redreſs.

Some of the miniſtry ſaid, that though the Bill of Rights gave a power to petition, yet virtually, this power muſt be ſuppoſed to extend only to what is in the immediate power of the King to grant, and not to ſuch high matters as diſſolution of Parliaments, which was a ſtep the Crown could not take, but by the advice of the Privy Council, and that no miniſter durſt adviſe ſuch a meaſure with ſafety to his head.

It was anſwered, that the right of petitioning by the Bill of Rights was unlimited, and derived from the old ſyſtem of our anceſtors, who (in Parliament, the repreſenting power of the kingdom) were uſed to petition the King for any law or regulation they found neceſſary; and if the King gave a favourable anſwer to the petition, it was the buſineſs of the Judges to frame a law on ſuch petition; that ſuch right to the people had continued to the time of Charles II. who paſſed ſome laws againſt tumultuous petitioning, which laws were even declaratory of the peoples rights; but being further infringed by James II. it became one of the articles againſt him, for which he was declared to have abdicated.

The miniſtry ſaid, that an affair of this nature ought to be puniſhed, to vindicate the honour of the King, which was hurt by being uſed in a diſreſpectful manner, by any of his ſubjects; that the conſtitution was impaired by the demand, and that the higher the body ſo offending, the greater ought to be the cenſure. Indeed the obſervation in the Remonſtrance could not be vindicated, which ſays this is *no* Parliament,

ment, becauſe it undoubtedly is, *de facto*, a Parliament; but whether ſo, *de jure*, muſt be left to the deciſion of the next Parliament. The right to petition is no right, if puniſhable; it is alſo of uſe to the Crown, as it prevents rebellions, which would ſhew themſelves in the firſt inſtance, if there was not intermediate ſteps to be taken. James II. puniſhed the Biſhop for petitioning, for which reaſon, the whole people, ſmothering their griefs, unanimouſly rebelled againſt him before he could be perſuaded they were diſſatisfied. The dignity of the Crown is beſt preſerved by the laws, and the reſpect due to it, by the rectitude and popularity of its meaſures.

The Sollicitor-General (Mr. Dunning) ſpoke in this debate on the ſide of the minority. His ſpeech, which continued near an hour and a half, was the fineſt piece of argument and eloquence ever heard in the Houſe. He anſwered all that had been ſaid on the other ſide, in a ſyſtematical arrangement of arguments, deduced from facts, law, and experience: it did him much honour. At three in the morning, divided 284 to 127.

March 20. Sir. T. Clavering moved an addreſs on the reſolution of the day before.

There was not much freſh argument. It was aſked by the minority, if this was intended to be all that was to be done againſt the Remonſtrance, but no anſwer was given. Some of the miniſtry ſaid we ought to go much farther, and proceed on the foundation we had now laid, whilſt others ſeemed to think this ſtep would prevent any more Remonſtrances, and conſequently anſwer the purpoſes of miniſtry. The addreſs was carried, 248 to 97.

March 21. The addreſs read, moved to deſire a conference with the Lords, to deſire their concurrence. The objections taken to this was, that if the Lords ſhould concur, it would preclude them from hearing any impeachment on that head, as they would not be competent judges in a caſe they had already decided. The miniſtry were very tender on that head, giving no determinate anſwer, whether an impeachment was, or was not intended. Sir G. Savile (ironically) ſaid, he was ſurpriſed the objection ſhould be made, tho' now we were as well taught our buſineſs as any hunter at the bar. We had begun by ſmall leaps at the conſtitution, but by a re-

gular ſyſtem, we had been drawn from leſſer to greater; that now he queſtioned, whether ſtanding or flying, there was any thing we durſt not leap. That the Houſe of Lords, if they concurred in the addreſs, would be ſo much better judges for *our* purpoſe, as who would not wiſh to have his cauſe tried by Judges, of whoſe determination in our favour, we had ſo good reaſon to expect.—No diviſion.

The bill to regulate the trials of elections then committed. The blanks were filled up, and nothing material happened, except an aſperſion from Mr. Rigby. That he oppoſed the members being on oath, as the Houſe of Commons (whom, he owned, were not governed by honour) would be as little governed by oaths in their determinations.

Mr. Dyſon, on the ſame ſide, ſaid nearly the ſame thing, which ſhews how low the Houſe of Commons are ſunk in the opinion of the miniſtry, as to be too profligate even for the operation of an oath.

March 22. The conference with the Lords.

March 23. The Lords agreed to the addreſs.

Both Houſes carried it to the King.

The Humble ADDRESS *of the Right Honourable the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, to his Majeſty.*

Die Jovis, 22° Martii, 1770.

Moſt Gracious Sovereign,

"WE, your Majeſty's moſt dutiful and faithful ſubjects, the Lords Spiritual and Temporal, and Commons of Great-Britain, in Parliament aſſembled, having taken into conſideration the Addreſs lately preſented to your Majeſty, under the title of, "The Humble Addreſs, Remonſtrance, and Petition, of the Lord Mayor, Aldermen, and Livery of the "City of London, in Common Hall aſſembled," together with the anſwer which your Majeſty was pleaſed to make to the ſame; think ourſelves indiſpenſibly obliged, upon this occaſion, to expreſs to your Majeſty the extreme concern and indignation which we feel, at finding that an application has been made to your Majeſty, in terms ſo little correſponding with that grateful and affectionate reſpect which your Majeſty is ſo juſtly intitled to from all your ſubjects; at the ſame time aſperſing and calumniating one of the branches of the legiſlature, and expreſsly denying the legality of the preſent Parliament, and the validity of its proceedings.

"To preſent Petitions to the Throne, has at all times been the undoubted right of the ſubjects of this realm. The free

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enjoyment of that right was one of the many bleſſings reſtored by the Revolution, and continued to us in its fulleſt extent, under the Princes of your Majeſty's Illuſtrious Houſe: And as we are duly ſenſible of its value and importance, it is with the deepeſt concern that we now ſee the exerciſe of it ſo groſly perverted, by being applied to the purpoſe, not of preſerving, but of overturning the conſtitution; and of propagating doctrines, which, if generally adopted, muſt be fatal to the peace of the kingdom, and which tend to the ſubverſion of all lawful authority.

"Your Majeſty, we acknowledge with gratitude, has ever ſhewn the moſt tender regard to the rights of your people, not only in the exerciſe of your own power, but in your care to preſerve from every degree of infringement or violation the powers intruſted to others. And we beg leave to return your Majeſty our unfeigned thanks for the freſh proof you have now given us of your determination to perſevere in your adherence to the principles of the conſtitution.

"Permit us alſo to aſſure your Majeſty, That it is with the higheſt ſatisfaction we ſee your Majeſty expreſſing ſo juſt a confidence in your people. In whatever unjuſtifiable exceſſes ſome few miſguided perſons may in this inſtance have been ſeduced to join, your Majeſty's ſubjects in general are too ſenſible of what they owe both to your Majeſty and to your Illuſtrious family, ever to be capable of approaching your Majeſty with any other ſentiments than thoſe of the moſt entire reſpect and affection; and they underſtand too well their own true intereſts, to wiſh to looſen the bands of obedience to the laws, and of due ſubordination to lawful authority. We are therefore fully perſuaded that your Majeſty's people, as well as your Parliament, will reject with diſdain every inſidious ſuggeſtion of thoſe ill-deſigning men, who are in reality undermining the Public Liberty, under the ſpecious pretence of zeal for its preſervation; and that your Majeſty's attention to maintain the liberty of your ſubjects inviolated, which you eſteem your chief glory, will upon every occaſion prove the ſure means of ſtrength to your Majeſty, and ſecure to you that zealous and effectual ſupport, which none but a free people can beſtow."

His MAJESTY's *Anſwer.*

My Lords and Gentlemen,

"I return you my thanks for this very loyal and dutiful Addreſs. It is with great ſatisfaction that I receive from my Parliament ſo grateful an acknowledgment of my tender regard for the rights of my ſubjects. Be aſſured, that I ſhall continue to adhere to the true principles of our excellent conſtitution; from which I cannot deviate, without juſtly forfeiting the affections of a free people."

(To be continued.) For

For the LONDON MUSEUM.

To the Author of the FALSE ALARM.

SIR, *March* 7, 1770.

AS you have ſo undauntedly ſtept forth in oppoſition to a general opinion, my curioſity is excited to enquire, whether this confidence be founded on real or imaginary ſtrength.

" Thoſe, ſay you, who enquire, whether a ſmaller number of legal votes can elect a repreſentative, in oppoſition to a greater, muſt receive from every tongue the ſame anſwer."

Certainly every tongue muſt anſwer in the negative.

" The queſtion, therefore, muſt be, whether a ſmaller number of legal votes, ſhall not prevail againſt a greater number of votes not legal."

To this queſtion, every tongue muſt anſwer, the ſmaller number ſhall prevail.

" It muſt be conſidered, ſay you, that thoſe votes only are legal, which are legally given, and that thoſe only are legally given, which are given for a legal candidate. It remains then to be diſcuſſed, whether a man expelled, can be ſo diſqualified by a *vote* of the Houſe, as that he ſhall be no longer eligible by *lawful electors*."

To the queſtion thus ſtated, every tongue muſt anſwer in the negative. You yourſelf, Sir, by allowing the votes given to Mr. Wilkes, to have been given by *lawful electors*, have ſo anſwered it. I argue thus: votes given by *lawful electors*, are legally given; thoſe votes only are legally given, which are given for a legal candidate, a legal candidate is eligible, therefore Mr. Wilkes was eligible, and if eligible, actually elected, as he had the greater number of *lawful electors*.

That *lawful electors* are juſtly defined *ſuch as give legal votes*, muſt readily be granted; to deny this, would be to aſſert, a man may be a lawful elector, even when he elects unlawfully; it would be to aſſert, that women and children may have lawful electors. In ſhort, it would be to aſſert a hundred abſurdities. If *lawful electors* be not ſuch as vote legally, I would fain know who are *unlawful electors*.

The doctrine you undertake to patronize is, if I miſtake not, already refuted; and what you, Sir, ought to think particularly unfortunate, refuted by its patron. The ingenious author of the *Falſe Alarm* is, alas! *felo de ſe*.

Nothing more is abſolutely neceſſary; however, as it may afford ſome amuſement, I will add a few further remarks on your pamphlet; and firſt, according to you, Mr. Wilkes was diſqualified by a vote of the Houſe, paſſed after his expulſion. This, I ſay, you aſſert, in expreſs contradiction to the vote itſelf,

itſelf, which ſays, " Mr. Wilkes having been expelled for, &c. &c. *was* and *is* incapable of being elected a member to ſerve in this Parliament." Mr. Wilkes, ſays the vote, *was* incapable; his incapacity muſt conſequently have exiſted before that point of time in which the vote ſaid he *was* incapable; what *was*, muſt neceſſarily have been prior to what now *is*. From hence, it is evident, that Mr. Wilkes's incapacity, if he be incapable, was not cauſed by the vote. This is, I ſay, as certain, as that an effect cannot precede its cauſe.

But, perhaps, Sir, you know Mr. W. to be incapable, altho' you know not what cauſed his incapacity.

You proceed and tell us, " if the Commons cannot diſqualify, as well as expel, they have only a nominal authority."

This, Sir, is a miſtake; the Commons may, by the ſaid authority, hinder any unworthy perſon from ſerving in that Parliament. This may be done, by expelling him as often as he ſhall be elected. In the opinion of ſome, great inconvenience would ariſe from frequent re-electing and re-expelling. If this ſhould be the caſe, a remedy is at hand; an act of Parliament may ſettle this affair for ever.

" The repreſentatives of our anceſtors had, ſay you, a very different opinion: they fined and impriſoned their members; on great provocation they diſabled them for ever; and this power of pronouncing perpetual diſability, is maintained by Selden himſelf. Theſe claims, you tell us, ſeem to have been made and allowed, when the conſtitution of our government had not yet been ſufficiently ſtudied. Such powers are not legal."

To what purpoſe, Sir, do you quote opinions, which, according to you, have been condemned by maturer thought? Can the honeſt and ſagacious author of the *Falſe Alarm* hope to eſtabliſh his doctrine upon detected error and falſehood?

The next paragraph begins thus: " the Commons cannot make laws, they can only paſs reſolutions." The next but one begins thus: " they can properly make laws only for themſelves."

Here ſeems ſomething like a contradiction, but I leave it with my reader, and obſerve, that if the Commons can make laws only for themſelves, they cannot make laws for their conſtituents. They may expel the elected, but they cannot by a law limit the power of electors.

You, in the next place, are pleaſed to inform us, " the diſability which a vote can ſuperinduce to expulſion, is no more than was included in expulſion itſelf."

In my humble opinion, this is arrant gibberiſh. When one thing is originally and neceſſarily included in another, it is impoſſible to conceive here that one thing can be ſuperinduced to the other. That life, for inſtance, is included in health,

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ſeems clear enough; but to conceive how life can be ſuperinduced to health, is above the reach of human faculties.

You proceed, "that expulſion inferred excluſion (incapacity), in the preſent caſe, muſt be, I think, eaſily admitted. The expulſion and the writ iſſued for a new election, were in the ſame ſeſſion; and ſince the Houſe is by the rule of parliament bound for the ſeſſion by a vote once paſſed, the expelled member cannot be admitted; he that cannot be admitted, cannot be elected."

That the Houſe cannot in the ſame ſeſſion paſs two oppoſite votes, is, I believe, true; but it will not follow from hence, that the ſame perſon cannot be expelled and re-elected the ſame ſeſſion; and for this plain reaſon, viz. becauſe a member is not admitted by a vote of the Houſe. A perſon elected is admitted of courſe, unleſs prevented by an *act* of the Houſe. If my memory deceive me not, Mr. Woollaſton was expelled, re-elected, and admitted to ſerve in the ſame ſeſſion; and I think the ſame ſeſſion ſaw Mr. Walpole expelled and re-elected. Mr. Walpole was, indeed, incapable of ſerving in that parliament; the Houſe of Commons would not ſuffer his admiſſion; they were determined to expel him as often as he ſhould be elected. The ſame determination would have created in Mr. Wilkes the ſame incapacity. True it is, Mr. Walpole and Mr. Wilkes were in the ſame terms declared incapable to *ſerve*; but the different Houſes did not, to the ſame terms, affix the ſame meaning. That Mr. Walpole was not thought ineligible, is evident from the rejection of Mr. Taylor.

"To theſe concluſions, as to moſt moral, and to *all* political poſitions, many objections may be made."

Tell me, Sir, are theſe objections irrefragable, or are they not? If they be, your doctrine is falſe; if they be not, your obſervation is puerile and impertinent; for who knows not, that weak objections may be made to any poſitions whatever.

"It is *uncontrovertably* certain, that the Commons never intended to leave to electors the liberty of returning them an expelled member; for they always require one to be choſen in the room of him that is expelled; and I *ſee not* with what propriety a man can be re-choſen in his own room."

I obſerve firſt, that here is a political poſition to which no objection can be made; it is, you ſay, *uncontrovertably* certain.

Secondly, It is remarkable, that becauſe you do not ſee, you are certain you have not loſt your way. This is a queer argument, and will, I believe, avail but little with thoſe whoſe eyes are open. I dare own myſelf convinced, that an expelled member, may, with the utmoſt propriety, be re-choſen into the room vacated by his expulſion, provided he be thought by his electors worthy to fill it. I add, electors are not to regard the intentions of the Houſe, it is their duty to ſee their own intentions be good.

To the EDITOR *of the* LONDON MUSEUM.

SIR, *March* 1, 1770.

THE following is the AUTHENTIC SPEECH of a noble Lord laſt ſeſſions in the Iriſh Parliament, againſt the right claimed by the Lord Lieutenant of entering a Proteſt upon the Journals of the Houſe of Lords. (*See our Muſeum for February, page* 91) A reſolution having been propoſed "that it be an inſtruction to the Speaker, not to ſuffer the Proteſt of any other than that of a Lord of Parliament to be inſerted in the Journals," it was ſtrongly objected to, particularly by Lord Lifford, the Lord Chancellor of Ireland, whereupon LORD MOUNTMORRES ſpoke as follows:

My Lords,

IF this reſolution be extraordinary (as it appears to the * noble Lord upon the woolſack) I anſwer ſo is that deſign of government which has given birth to it. A report has univerſally prevailed, without contradiction, that the Chief Governor means ſhortly to enter a Proteſt in our Journals againſt ſome proceedings of the Houſe of Commons. If you wiſh to prevent, you muſt anticipate, for this meaſure will take place upon the eve of a prorogation, and the night ſhall come upon us when no man can work.

Admitting for a moment that this Houſe is emphatically called the Houſe of Parliament, and that the King has been accuſtomed formerly to preſide in the Upper Houſe, I own I cannot ſee how it can be inferred from thence, that the chief governor has a right to proteſt in this Houſe againſt that right of originating money-bills, which the Commons have exerciſed immemorially.—My Lords, in feudal times, the lands of England were divided among the great barons who compoſed the Upper Houſe, which is certainly the more ancient of the two, but when the policy of H. 3, after the battle of Eveſham, had ſubdivided the great baronies, which had eſcheated to the Crown, into leſſer, the number of the tenants were ſo great, that they were obliged to delegate repreſentatives to the great council, who ſat in a ſeparate houſe. This was originally

* Lord Lifford, Lord Chancellor of Ireland.

the reaſon of the diviſion of the two houſes. It appears that the conſtituents were accuſtomed to preſcribe the preciſe ſum to their repreſentatives which each particular diſtrict ſhould bear *. Hence aroſe the privileges of the Houſe of Commons, to orignate money-bills; and their claim that they ſhould not be altered in any ſubſequent ſtage, your Lordſhips know that the conſtitution of England and Ireland are radically the ſame. But againſt this right of the Commons of Ireland, that wicked engine of power, the law of Poyning's, has been pleaded; but, ſurely, whatever is contained in that ſtatute, contrary to the ſpirit of the Engliſh conſtitution, is virtually repealed by a ſubſequent law of the ſame ſeſſions, which adopts the Engliſh laws and cuſtoms antecedent to that period, if that rule of law be well founded, that *leges poſteriores priores abrogant.*

My Lords; I beg pardon for digreſſing to the privileges of the Houſe of Commons; I admire their abilities, I revere their experience; God forbid they ſhould want the aſſiſtance of ſo feeble an advocate. I flatter myſelf that they will aſſert their privileges between ſtone walls, where Wiſdom does not utter her voice in vain. That they will guard againſt the moſt trivial innovation in this reſpect, leſt it ſhould enable them, from the moſt trifling cauſe, like the hair of the ſtrong man, to pull down this pillar of the conſtitution.

My Lords; the right of proteſtation is unqueſtionably the ſole and undoubted privilege of the Upper Houſe of Parliament; and in the collection of the Proteſts of the Lords of England, lately publiſhed, from thoſe of H. 3, to the preſent times incluſive, there is not one ſingle inſtance of the Crown ever having exerted, or ever claimed ſuch a privilege. It is true indeed, that in the Records of Parliament, the King has ſometimes in his anſwers to the requiſitions of the Houſe of Commons, made a declaration, that he granted them, ſaving his right; the moſt remarkable of which is, I think, an anſwer to a requeſt of the Commons in the 4th of H. 4, that the King would appoint certain of the Lords, with whom they might confer, which was granted, but with this proteſtation (as it is called) that it was done of favour and not of duty.

* Gilbert's Hiſtory of Chancery, 7.

My

My Lords; in defence of the Chief Governor's right to enter a Proteſt upon the journals, two precedents have been cited. With regard to my Lord Strafford, it appears from the journals, that he took upon him all the privileges of a member of this Houſe; that he was preſent at the debates, that he delivered in at once ſix-and-thirty proxies of Lords who were abſent in England, which he diſtributed to his friends in this Houſe; that ſitting in that Houſe, he was moved from the bar, that a Lord might take his ſeat; and in this very tranſaction it appears, that he proteſted upon a reference made to him by the Chancellor, by deſire of this Houſe, whether a bill rendering Iriſh peers who lived in England liable to the charges of thoſe who reſided, might be tranſmitted to England, though it did not commence in the Council. No wonder then, that conſidering himſelf inveſted with theſe rights of the peerage, that he ſhould include that of proteſtation. But I flatter myſelf that no precedent can have weight, proceeding from a tyrant, of whom it might be well ſaid, that if every other record and veſtige ſhould be obliterated in the annals of mankind, his adminiſtration alone would be a ſufficient monument of tyranny. Upon this Proteſt, my Lords, that of Lord Sydney, in the year 1694 was founded, and took place upon a prorogation, when Parliament could not queſtion his conduct.—Are theſe the precedents which are relied upon by the noble Lord on the woolſack? for theſe, ſhall the privileges of this Houſe be invaded, and our journals rendered receptacles for libels againſt the proceedings of the Houſe of Commons: precedents taken from the worſt of men in the worſt of times; and from the unworthy brother of Algernon Sydney, whom the Commons of England cenſured for his conduct in Ireland.———My Lords, the right of proteſtation neceſſarily confers the right of deliberation in this part of the legiſlature; in no one principle is our excellent conſtitution ſo preciſe and determined as in this "*the ſeparation of the executive and the legiſlative powers*;" this is its grand characteriſtic, this is what Monteſquieu moſt admired; that philoſopher, to whom England and her laws, were what Crete and the inſtitutions of Minos were to Lycurgus; "if, ſays he, the executive "and legiſlative powers are united in the ſame perſon or per-"ſons, there can be no liberty, becauſe fears may ariſe, leſt

" the ſame monarch or ſenate, ſhould enact tyrannical laws " to execute them in a tyrannical manner."

I am ſatisfied with this argument alone; upon this I would contend with the mightieſt, and I would defend its rights to the laſt, here, in the ſeat of legiſlation, as the Roman ſenators did, when the Gauls invaded the Capital.——My Lords, it was determined by the Lords of England, in the caſe of Lord Viſcount Purbeck, that a peer cannot alineate his peerage, if ſo, he cannot alineate the privileges attendant upon it—the right of proteſtation is the ſole, invaluable, excluſive privilege of this Houſe—to permit another to participate of it, is to conſent to its invaſion, to its alineation—to grant it to the Chief Governor, is to allow that to a miniſter, which has been denied in England to majeſty itſelf, and to connive and blend together thoſe powers, which the wiſdom of the conſtitution has ever kept ſeparate.

My Lords; this meaſure is deſigned as a temporary prop to this trifling branch, not of an adminiſtration, of a conſpiracy againſt the conſtitution; but by it, the privileges of this Houſe, the rights of the Commons, and the firſt principles of the conſtitution ſhall be materially invaded; rights which bid fair for duration, if any thing ſublunary can admit of it, and which will yet endure, I hope, the wonder of the world, like the Pyramids of Egypt, where the hand of time, and the injuries of the Barbarians, are ſtill legible, when the very memory of its enemies ſhall be no more.

My Lords; in a matter ſo plain, it would be injurious to your Lordſhips to intrude longer upon your time. For theſe, and many ſtronger reaſons, which have been produced by the noble mover * of this reſolution, I flatter myſelf that a majority of your Lordſhips will be of our mind; if not, we ſhall beg leave to aſſign the reaſons of our diſſent upon your journals, and to appeal from the judgment of this aſſembly to the ſuffrage of poſterity.

* Lord Longford.

To

To the EDITOR *of the* LONDON MUSEUM.

SIR, *Dublin, March* 6, 1770.

THE following is the ſubſtance, as well as I can recollect it, of what paſſed in the Houſe of Commons of this kingdom *upon the late Augmentation of the Army.*

The mode of the augmentation was totally altered from the firſt; by the firſt we had no certainty of the troops being kept here; and they were to be voted in the uſual Iriſh conſtitutional manner; that is, the king ſigned the eſtabliſhment, and we were to vote money to pay that eſtabliſhment. But by this mode we have had an act of parliament to oblige 12000 effective men to be conſtantly in Ireland, unleſs there ſhould be a rebellion or invaſion in England, and when taken out of this country, to be paid by England; three regiments to be taken from this eſtabliſhment, and to have but one commander in chief, and five general officers; ſo the ſtaff is to be reduced to anſwer part of the expence of the augmented men. The laſt ſeſſions there was a ſum of one hundred and eighteen thouſand pounds granted for the ſeveral parliamentary charities, and for county jobbs. Grants, this ſeſſion, are reduced to 60,000l. in which ſum is included 12,000l. to the charter ſchools, 13,000l. to the workhouſe, to the marine and Hibernian ſocieties each 3000l. and many more grants of the ſame ſort and utility, that the real jobbers will not have 10,000l. for their purpoſes. I mention this to ſhew, that no new tax is raiſed for the payment of augmented men. This augmentation alſo differs from the former, we firſt vote the number of men, and then the ſupply for them as in England, by which we have a right either to leſſen or raiſe the eſtabliſhment as we pleaſe; this, I think, is a great acquiſition to our conſtitution, as muſt every ſtep that brings us nearer to the Engliſh conſtitution. *So far for Preface.*

THE DEBATE.

Dr. Lucas began the attack; he ſaid, the military were not to be truſted, that they were daily committing outrages by breaking open our goals, and by reſcuing a ſoldier the other day from the peace-officers out of the houſe where he was confined; that the miniſtry were not to be truſted with a larger force than we now have; that they dare not demand an augmentation of 50 men in England, and that their ſchemes muſt

be

be ſomething extraordinary, when they demand ſo large an augmentation from us; and that granting ſuch a number of men, might be dangerous not only to the liberty of England, but alſo to America.

Sir Charles Bingham. He objected to it on account of the largeneſs of the expence; and aſk'd from what quarter it was to ſupplied? He ſaid that the revenue had decreaſed, and that the penſions had encreaſed, and that ſine cures, inſtead of being ſtruck off, were encouraged, and that it was contrary to true policy to augment our forces in time of profound peace; that the promiſes of adminiſtration were not to be truſted; that a regiment was raiſed under the auſpices of Lord Digby, with a promiſe to the regiment that they never ſhould be ſent abroad; but contrary to the faith pledged, as ſoon as they were fit to be ſent abroad, regular regiments were ſent for, who made priſoners of them, put them aboard tranſports, and like ſlaves, ſent them away; he added, that a national militia was the proper defence.

Sir George Macartney. He ſaid, that this ſcheme took its riſe at the deſire of ſeveral juſtices of the peace about caſtle Dermott, who were attacked by the White-boys; the augmentation was neceſſary, for the Spaniards could be here in four days from Ferrol, and that if an invaſion was to take place, without a force here, we ſhould be put a hundred years back in our improvements; that a military was ſo far from being dangerous, that they were the ſupporters of liberty both in Holland and Sweden; that by the conſtitution, the king could now draw away every man, but by the mode now offered, he was obliged to have 12,000 effective men in this country; that the augmentation was neceſſary, if it was only to ſupport the revenue officers and take thieves; that the fund for the payment of it would be the tax of places and penſioners who abſent themſelves from Ireland; that the penſions had decreaſed the laſt two years 2000l. as had alſo king's letters and concordatum; he ended, by ſaying, that a militia was a good plan to go hand in hand with the augmentation.

Upon the whole, he ſpoke very indifferently; and will never make an orator.

Robert Hellen, Eſq; He ſaid, in time of profound peace the increaſe of the military was not only inexpedient but dangerous and unconſtitutional; that they muſt be obedient to

their

their commanders, or ceaſe to be an army; and that a ſoldier was only the muſket of his officer to uſe as he thought proper; and from thence he drew a ſtate of France, how it was ruined in its liberty by Lewis XIV. and his army; he ſtated the army as it was by the act of parliament in the time of William III, which was only 12,000 men; and alſo ſtated the ſituation of Ireland at that time, and the connections with France to reinſtate James on the throne, and alſo the ſtate of popery in Ireland at that time, the papiſts of which time joined with James, and yet 12,000 men were only neceſſary; and he alſo ſtated how popery now ſtands, and of courſe no neceſſity to withſtand, by theſe times, ſo great an encreaſe of the national debt, which muſt inevitably ſink us to work our ruin farther by an augmentation which is intirely uſeleſs.

Hercules Langriſhe, Eſq; He offered his thoughts on the goodneſs of the ſcheme, and how far it was better than the laſt ſcheme; that it was an augmentation of men and not of officers; that at preſent it was an army only of officers, and that three regiments were to be removed from the eſtabliſhment, which would be a great ſaving, and that it was an increaſe of men and a diminution of officers; that the openneſs of the country required an attention to the preſervation of it, if it was conſidered the ſtate we were in at the time of the landing of Thurot; he alſo ſaid, unleſs we gave ſome aſſiſtance for our own preſervation we could not expect it from England, and therefore we ſhould more narrowly look about our own ſtate, and find out the beſt method of defending ourſelves. That the militia was a very good ſcheme, but it could never anſwer without it was backed by an army; he obſerved alſo the preſent ſtate of England was another reaſon why we ſhould attend more to ourſelves, and that we could not expect the naval protection of England, unleſs we were attentive to the military protection.

John Maſon, Eſq; He did as others did who went before him; ſtated the military as they were at preſent, both abroad and at home; that the whole army, officers and all, amount to no more than 7600 in Ireland, which could never anſwer any end of protection; that the King could, as the conſtitution now ſtands, order every man away; but by our granting an augmentation, the prerogative of the crown was diminiſhed, for by the offer made by the crown 12000 effective men were

to

to be inſured to Ireland by act of Parliament; he ſpoke as to the reaſons why the laſt offer of the augmentation was rejected.

Arthur Jones Neville, Eſq; ſpoke next. He has been very clever during the whole ſeſſions. He ſtated, that the 12000 men were raiſed in Ireland for the protection of Ireland only.—Denied the power of the crown to take out a ſingle man from the defence of this kingdom; that the firſt time a ſingle regiment was taken out of Ireland was in the year 1703; that it was not ſo much as thought of (the power of taking away the forces); that the Lord Lieutenant, in his ſpeech to both Houſes, apoligized for what had been done, and that nothing but the exigencies of the times could occaſion it, and aſſuring them that the precedent ſhould not be followed. He aſſerted alſo, that the revenue given to ſupport the military, was only for the ſupport of this kingdom; he alſo ſupported his opinion from ſeveral acts, and ſhewed, that whenever any of our forces were taken away, they were formerly paid by England, as was the regiment in the year 1703: forces were alſo taken from this country in the year 1710, two regiments, which were paid in England, and the Lord Lieutenant made the ſame apology as had been made in the year 1703. He, as a man of buſineſs, ſtated the ſum of money that muſt be ſent abroad for the payment of the troops that go to garriſons abroad, and computed, that in ten years, more money goes out of this kingdom than what is at preſent the real current caſh. *Theſe were the general arguments of the debate.*

Extracts from the Journals of the Houſe of Commons of Ireland, in ſupport of what Mr. Neville advanced.

1703—His Grace James, Duke of Ormond, Lord Lieutenant of Ireland.——"I have all the aſſurances that can "be given, that the regiments in the Weſt-Indies on "the eſtabliſhment, ſhall ſoon return." *Vol.* 3. *p.* 12.

1710—Thomas, Earl of Wharton, Lord Lieutenant of Ireland——"It is with ſome concern that I take notice "to you that there is yet one regiment wanting of thoſe "which are paid upon this eſtabliſhment; but the pub-"lic ſervice made it abſolutely neceſſary to recall a regi-"ment that was under orders and ready to embark for "this kingdom, and you may be aſſured that another "will be ſent as ſoon as it is poſſible." *Vol.* 3, *p.* 1710.

For the LONDON MUSEUM.

A Liſt of Lords, Gentlemen, and others, who having eſtates, employments or penſions in Ireland, *ſpend the ſame abroad; together with an eſtimate of the yearly value of the ſame.*

Corrected, and continued to 1769.

Firſt claſs comprehends thoſe who live conſtantly abroad, and are ſeldom or never ſeen in Ireland.

Penſions, Civil, Military, and French.

	£.
LADY Kilmanſeg	750
Lady How	500
Mrs. Weſt	400
Executors of the Earl of Harrington	2600
Lady Cecilia Finch	400
Lady Young	600
Ann Palmer	900
Earl of Jerſey	1500
Executor of A. Schutz	1200
Chriſtopher Shroder	1000
John Cooper	500
John Roberts	800
George Hamilton	400
Earl of Albemarle	800
Lord Grantham	2000
Thomas Bourchier	400
Earl of Cholmondeley	3700
Baron de Sporke	1200
Lord George Beauclerk	400
Lady Waldegrave	800
Princeſs of Heſſe	5000
Tob. S. Carleton	500
Duke of Brunſwick	2000
Sir Edward Hawke	2000
Ex. of Lady Yarmouth	4000
Lord Bathurſt	2000
Lord Tyrawly	500
Ann Pitt	1000
Gaſper Gravenkop	400
Lady Beauclerk	400
William Champney	1070
Frederick Erneſt	1000
Princeſs Amelia	1000
Thomas Cumming	300
Philip Francis	600
Sir William York	1200
Melcher Grey Dickens	500
George Charles	1000
Children of Counteſs of Upper Oſſory	600
Edward Weſton	500
Duke of Athol	2000
Princeſs Auguſta	5000
Lady Louiſa Lennox	500
Mrs. K. Bathurſt	400
Mrs. Mordaunt	450
Capt. Lieut. Nicholas Kelloway	850
Lieut. Col. Rob. Clerk	600
Duke of Gloſter	3000
Duke of Cumberland	3000
Above £400 yearly, Total	64425
Under £400 yearly	8950
Total	73375

Note, All the Penſions, Civil, Military, and French, amount to £96667.

Duke

Duke of Devonſhire	12000
Marq. of Rockingham	10000
Marquis of Carnarvon	2000
Earl of Cork	4000
Mountrath	7000
Egmont	6000
Hertford	12000
Donegal	22000
Abercorn	12000
Beſborough	10000
Counteſs of Bleſſington	4000
Earl of Upper Oſſory	4000
Shelburne	12000
Thomond	8000
Ludlow	4000
Stanhope	1000
Portſmouth	4000
Powis	3000
Cartherlough	2000
Darnley	7000
Count. Dow. Shelburne	7000
Lord Viſc. Middleton	4000
Aſhbrook	3000
Weymouth	3000
Palmerſton	4000
Lord Courtney	10000
Villars	8000
Digby	3000
Forteſcue	1200
Bellew	4000
Carysfort	3000
Strange	3000
Beaulieu	2500
Clive	1700
Dyſert	2000
Cahir	3000
Bingley	3500
Dacre	3000
Dillon	6000
Heirs of Ld. Blunden	3000
Sir Laur. Dundaſs	2500
Sir William York	1700
General Montague	5000
Jas. Len. Dutton, Eſq.	10000
Hon. Tho. Fitzmaurice	4000
Heirs of Admiral Warren	3000
Hon. John Barry	3000
Francis Bernard, Eſq;	10000
Admiral Rowley	1200
—— Needham, Eſq;	5000
Arthur Anneſley, Eſq;	4000
Richard Hull, Eſq;	700
Sir Geo. M'Cartney	1500
—— Edwards, Eſq;	3000
James Whitſhead, Eſq;	2000
Welbore Ellis	1000
Thomas Staunton	700
William Bernard	800
Francis Anneſley	2500
Stephen Ram	800
Hon. Richard Barry	700
General Burton	700
Hon. ——— Chicheſter	1000
Sir Wm. Penn's Heirs	1400
George Clive, Eſq;	1500
Arch. Edmonſtone, Eſq;	800
David Kerr, Eſq;	1000
Edmund Bazil, Eſq;	3000
Heirs of Lord Fane	5000
Sir Geo. Saville	2000
Lady Echlin	800
Sir William Rowley	3000
Col. Shirley	2000
Arthur Barry, Eſq;	1600
John Taaf, Eſq;	800
—Murray, of Broughton	3000
Col. Sabine	600
Mr. Palmer	600
Heirs of Jolybeart, Eſq;	800
Coheireſs of Rathcormuck eſtate	1200
Edw. Southwell, Eſq;	5000
Sam. Campbell, Eſq;	2000
Joſeph Cain, Eſq;	700
Carr, Eſq;	1000
Herbert, Eſq;	1500
Worthington, Eſ.	1200
Alexander, Eſq;	800
Hamilton, Eſq; of Killeleagh	800
Aſhton, Eſq;	600
Colonel Graham	1000
Sloan, Eſq;	600
Bridges, Eſq;	1500

Hamil-

Hamilton, Eſq;	800	Robert Butler, of Bally-ragget	3000
Ellis, Eſq;	1200	Henry Obrien, Eſq;	2500
Aſhroby, Eſq;	1500	Thomas Taaf, Eſq;	1500
Clotworth Upton, Eſq;	1500	London Society	8000
Widow Richardſon	1500	Several Corporations in England	3500
Robert Adair, Eſq;	1200	Sir Peter Leiceſter	800
Colonel Stephenſon	2000	Sir Peter Dennis's Heirs	1000
St. John, Eſq;	1800		
Warringford, Eſq;	800		
			£37 1900

The ſecond claſs comprehends thoſe who live generally abroad, and viſit Ireland occaſionally, for a very ſhort time.

Earl of Clanricarde	8000	Lord Gormanſtown	2000
Hillſborough	7000	Lord Moleſworth	2500
Farnham	6000	Southwell	5000
Angleſea	6000	Lady St. Leger	600
Kerry	4000	Sir Wm. Mayne, Bart.	300
Clanbrazil	3000	Sir Henry Echlin, Bart.	800
Barrymore	8000	Hon. Richard Ponſonby	1200
Mazareene	4000	Pierpont Burton	3000
Ld. Viſc. Fitz-William	4000	Alex. Boyd	1200
Cunningham	4500	James Adair, Eſq;	1000
Clare	6000	Tho. John Medlicot, Eſ.	3500
Milton	14000	— Shelly, Eſq; W. Shire	5000
			£117800

Third claſs comprehends thoſe who live generally in Ireland, but were occaſionally abſent in 1769, for health, pleaſure or buſineſs.

Note, Their number is generally the ſame; for if ſome come home, others go abroad and ſupply their places.

I have now before me a liſt of 57 Lords and Gentlemen comprehended within this claſs, but I forbear mentioning them, as they happened to be abroad accidentally only (I may ſay) at that time, and they are men that have the intereſt of Ireland as much at heart, and lament the loſs and injury it ſuſtains by its Abſentees, as any men.

The annual income of whoſe eſtates amounts to upwards of ——— £92000

Persons possessed of employments and offices, absent in 1769.

Principal Secretary to the Lord Lieutenant	4000
Post Office	1800
Lord Visc. Clare, Hon. James Grenville, Earl of Cornwallis, Vice Treasurers of Ireland	9000
Hugh V. Jones, and John Milbank, Esqrs. Commissioners of the Revenue	2000
Richard Rigby, Esq; Master of the Rolls, 2000l. a year, and as much more computed, for eight places in his gift, worth each upwards of 3000l.	4000
William Hamilton, Esq; Chancellor of the Exchequer.	1600
Lord Clanbrassil, Esq; Chief Remembrancer of the Exchequer	2200
General Conway, Clerk of Hannaper	600
Lord George Sackville, Clerk of the Council	1200
Richard Vernon, Esq; Clerk of the Quit Rents	500
Charles Fitzroy Scudamore, Esq; Cursitor in Chancery	300
William Cheshire, Philazer in Common Pleas	200
Sir Wm. Knatchbull, Exigenter in ditto	300
Hon. William Molesworth, Surveyor General	400
Robert Wood, Master of the Revels	500
——— Hay, State Musician	400
Sir Robert Wilmont, Solicitor in England	1200
Lord Harrington, Customer in Dublin	500
Henry Tilson, Craner in ditto	400
Register Prerogative	600
Doctor Robinson, Lord Primate	6000
Cox, Archbishop of Cashell	3500
Young, Bishop of Leighlin	1600
Jackson, Bishop of Kildare	1700
Andrews, Provost of Trinity College, Dublin	2000
Andrews, S. F. T. C. D.	500
Lewis, Dean of Ossory	500
Fletcher, Dean of Kildare	600
Ryder, Dean of Lismore	600
Jebb, Dean of Kilmore	600
Coote, Dean of Kilfenora	400
Pullein, Rector of St. Catherine's, Dublin, &c.	500
Stone, Archdeacon of Meath	1200
	£72200

N. B. There is no person (except the three officers in Chancery and Common Pleas) mentioned in the above list, whose income is under 400l. yearly in Ireland.

Spent

Spent abroad yearly by thoſe whoſe income is under 400l. a year, either for the moſt part abroad, or go there occaſionally, either for pleaſure or health	£60000	0	0
Half of theſe are ſuppoſed to belong to the firſt claſs, and the other half equally to the other two.			
Travelling expences of merchants, dealers, and traders, who go over yearly in great numbers from Ireland to England, to buy or ſell commodities	15000	0	0
Spent yearly in the education of children of Proteſtants and men of fortune, at Oxford and Cambridge, and the ſchools in England, and of children of Papiſts in foreign colleges, and travelling charges of young gentlemen and others abroad	35000	0	0
Spent yearly by the young ſtudents at the ſeveral Inns of Court	9000	0	0
Spent in law ſuits on appeals to the Houſe of Lords, Courts of Delegates, writs of error to the Court of King's Bench in England, opinions and advice of Council there on ſeveral occaſions	15000	0	0
Spent in attendance and application for employments eccleſiaſtical, civil, and military, and other occaſions	15000	0	0
It appears by the eſtabliſhment given into Parliament, that the eſtabliſhment for General Officers, was 32232l. yearly, three-fourths of which are ſpent abroad, ſeldom or never more than three out of the twelve General Officers on the Staff attending	24174	11	0
Troops on this eſtabliſhment, four regiments of horſe, eight of dragoons, and thirty of foot, of which ſix regiments of foot are conſtantly abroad, ſometimes more. The pay to the Commiſſioned Officers of all the ſaid regiments (except the ſix abroad) amounts to, on computation, 148330l. 12s. 6d. yearly, one-fourth of which, at leaſt, is ſpent abroad	37082	13	0
The whole pay of the ſix regiments of foot ſpent abroad, amounts to	47121	10	0
The eſtabliſhment for Half-pay Officers, amounted to 45012l. 10s. 1d.	15004	3	4
For officers widows, 16754l. 11s. 5d. yearly, one third ſpent abroad	5584	17	1

Sent

Sent to England, one year with another, to buy recruit horſes for twelve regiments ——	3240	0	0
Spent in England for raiſing recruits for the foot ſervice —— ——	3000	0	0
Perquiſites on cloathing forty-two regiments at 250l. each yearly, comes to 10500l. two-thirds of which ſpent abroad ——	7000	0	0
Carried off yearly by Adventurers to America, who may be reckoned, one year with another, 6000 in number, and to carry off each, one with another 10l. ——	60000	0	0
Remitted yearly on account of inſurance of ſhips, aſſurance from fire, to religious houſes abroad, for coaches, carriages, toys, cloaths, furniture, jewels, haberdaſheries, and many ſuch like things —— ——	40000	0	0
It is admitted on all hands that a very conſiderable profit ariſes from the freight and tonnage of ſhipping employed yearly in the whole trade of Ireland, many compute between 6 and 800000l. yearly, and that not above one ſixth part thereof which belongs to the Iriſh, the reſt to the Engliſh and Scotch; but to be greatly within bounds, ſuppoſe we compute we pay for this article only —— ——	100000	0	0
Total of all the above	£1208982	14	6

ADDITIONAL ARTICLES.

The above liſts ſhew us clearly what immenſe ſums are drawn out of this kindgdom annually; but there are many other articles to be taken into conſideration; whenever we come to make a computation upon this head, they will readily occur to every gentleman, ſome of which we ſhall here mention: Indeed, though theſe articles cannot be rated at any certain ſum, yet they may well be computed to encreaſe the annual drain of money out of the kingdom, not leſs than 300000l. many think they may be rated at 400000l.

Firſt, We are to obſerve, that a great many eſtates and woods have of late been ſold in Ireland, and all the purchaſe money at once carried to England; and, which is farther remarkable, ſome eſtates have, within the ſpace of a few years, been ſold again, and all the purchaſe money ſent away a ſecond time.

Secondly,

Secondly, That great ſums of money are yearly ſent abroad to diſcharge old debts, contracted by perſons now reſiding in Ireland.

Thirdly, Though ſome of the aforeſaid perſons may ſpend leſs abroad than here rated, yet many of them ſpend much more than their yearly income; which debts muſt be paid in England, after they come to reſide in Ireland.

Fourthly, That ſeveral eſtates of Iriſh landlords, who live abroad, have of late been much raiſed, and large fines taken and remitted to them; and many more eſtates will not fail to be raiſed to the height, as the old leaſes expire, and thereby encreaſe their yearly draughts upon us.

Fifthly, That ſeveral perſons who live abroad, have large mortgages on eſtates in Ireland, the intereſt money whereof is conſtantly returned to them in England.

Sixthly, Many of our young Lords and Gentlemen, in a few years after they come to age, ſquander in other countries, all the ready money which had been ſaved for them by their guardians in their minorities.

Seventhly, Great numbers live abroad, whoſe names or eſtates, for want of due information, are here omitted.

Eighthly, There is yearly carried out of this kingdom, about 175000l. by the colliers of England and Scotland, who take very little elſe but ready money in return for their coals.

I ſhall now beg leave to take notice of the method and caution made uſe of in forming and drawing up the ſaid liſt; and to obſerve, that the beſt endeavours have not been wanting to procure from receivers, agents, and others, an exact information of the clear yearly income of the eſtates of the perſons mentioned in the ſaid liſt, and of the ſums they may reaſonably be ſuppoſed to ſpend abroad, and that care has been taken in the computation to be always under the real value, in order to make allowances for loſs to agents, quit-rents, and other charges.

We are further to obſerve, that the eſtates of many of the ſaid perſons are much larger than here ſet down; but being ſubject to jointures, rent charges, and debts, which are ſpent at home,

we

we have not therefore ſet forth the full value of them, but ſo much only as is ſuppoſed to be ſpent abroad.

Though ſome of our gentlemen ſtay abroad but a ſhort time, yet when we compute how much money is yearly drawn out of the kingdom, we are obliged to take notice of all thoſe perſons who are at any one time abſent, for if ſome return again, others do not fail to go abroad and ſupply their places.

If through miſinformation, the yearly income, or remittances of ſome perſons mentioned in the ſaid liſt, ſhould happen to be over-rated, that is amply made up by others who will be found upon enquiry to be under-charged.

A General Abſtract of the quantity of money drawn out of this kingdom.

	l.	*s.*	*d.*
By the Penſioners comprehended in the firſt claſs	73375	0	0
By the other perſons of the firſt claſs	371900	0	0
By thoſe of the ſecond claſs	108300	0	0
By thoſe of the third claſs	92000	0	0
By thoſe who have employments or offices in Ireland	72200	0	0
By thoſe whoſe income is under 400l. yearly	60000	0	0
Travelling expences of merchants and traders	15000	0	0
Education of youth, and at the Inns of Court	44000	0	0
Law-ſuits, &c. and attendance for employments, &c.	30000	0	0
By the eight articles relative to the military	142207	14	6
By adventurers to America	60000	0	0
By inſurance of ſhips, &c.	40000	0	0
By freight and tonnage of ſhips	100000	0	0
By the additional articles	300000	0	0
	£1438982	14	6

PEERS of Ireland who are abſentees and have no eſtate in Ireland.

Earl of Deſmond E. E.
Waterford E. E.
Fitz-Williams E. E.
Athlone
Tilney
Verney
Earl of Panmure
Fife
Tyrconnell
Mexborough
Winterton
Lord Viſc. Kilmurry

Lord

Lord Viſc. Lumley	Lord Viſc. Galway
Wenman	Gage
Molyneux	Ligonier
Fairfax	Fortroſe
Cullen	Lord Baltimore
Tracey	Sherard
Bulkeley	Maynard
Cholmondeley	Hawley
Down	Tyrawley
Liſburn	Aylmer
Taaffe	Forteſcue
How	Colraine
Chetwynd	Oſwell
Grimſton	Waltham
Barrington	Pigot
Vane	Bateman
Bateman	Mulgrave

For the LONDON MUSEUM.

A ſhort Account of Iſabella Mother of Edward III, and * * * * * * * *Mother of* * * * * * * *III.*

THE fatal conſequences which muſt neceſſarily ariſe from a prince reſigning himſelf to the abſolute direction of a *favourite*, are ſo very well known in *theory*, as not to need any illuſtration; but as *examples* leave ſtronger indentures on the mind, it may not, perhaps, be at this time incurious to ſhew the unlimited and abſolute power *Mortimer*, afterwards Earl of March, had, for ſome time on Edward III, through the aſcendancy he obtained over the *queen mother*.

By the laws of the realm it was neceſſary, that a regency, conſiſting of twelve of the nobility, ſhould be appointed for the government of the ſtate during Edward's minority; but though the form of this was complied with, and the *Earl of Lancaſter*, a near relation to the King, was nominated preſident; yet Mortimer, in fact, became the ſole regent. At his pleaſure the great officers of ſtate were appointed or removed; he aſſumed the authority of the King, and ſolely poſſeſſed his ear. The King's uncles, the preſident of the regency, and the whole of the nobility, were not ſuffered to approach their

ſovereign, unleſs their opinions coincided with his; and in their intercourſe, always reſtrained under this predicament, conſtant care was taken to have his majeſty ſo ſurrounded with ſpies, that the miniſter could not fail to receive information of every meaſure intended to injure him in the opinion of the King. Thus educated under the guidance of his *mother*, thus ſecured by the cuſtody of *Mortimer*, he was eaſily perſuaded to believe, that he was both a faithful friend, and a conſummate miniſter.

Mortimer, now in the zenith of his power, ſoon gave proofs of the weakneſs of his head, and the wickedneſs of his heart; for Robert Bruce, King of Scotland, taking advantage of the minority of the King, and the want of ſtability in his councils, ſent a powerful army to invade England. Edward oppoſed them in perſon, but the inferiority of the Scottiſh army was ſo great, that they declined an engagement, and fled before his arms, laying waſte the country in their retreat. At length Edward came up with them at Stanhope Park; but they, during his making the neceſſary diſpoſitions for an attack, and under the cover of a dark night, ſilently decamped; and before Edward was informed of their flight, had got to ſuch a diſtance that it was impoſſible for his army to overtake them.

This eſcape was generally imputed to Mortimer, and the conſequences of it confirmed the ſuſpicion; for inſtead of Edward purſuing the Scots into their own country, at the head of a formidable army, and compelling them to accept of ſuch terms, as he might think fit to grant them, A SHAMEFUL PEACE was concluded for him, by the influence of *Mortimer*, which all hiſtorians of thoſe times agree in, though *profitable* to the *queen mother* and *him*, was highly inconſiſtent with the honour of the King, and the advantage of the people.

When we ſurvey Mortimer, thus eſtabliſhed in the plenitude of power, filling all the offices of ſtate with his creatures, baniſhing the relations and friends of the young King from court, and ſuffering none to approach him, but ſuch as were continually employed in trumpeting forth his own praiſe, and the uprightneſs of his adminiſtration, it would be impoſſible for us to account, how he could poſſibly acquire this authority,

rity, if hiſtory had not left us a clue to unravel this myſtery, which was intirely owing to his criminal correſpondence with the *queen mother*, who having a *natural* aſcendency over her ſon, ſhe devolved that unlimitedly upon her gallant; and though the inequality of her age, with that of *Mortimer*'s, ſhe being little more than *thirty* when the connection firſt commenced, and he above *fifty*, *married*, and *father* of a number of *children*; yet the fact is handed to us as indiſputable, as the firſt article of his impeachment concerning this criminal correſpondence, is a clear evidence how much the whole kingdom was offended at their familiarity; nor is it likely the parliament would wound the King's honour, by mentioning it, if the fact was not glaringly notorious.

At length, conſtant inſinuations were thrown out before the King, concerning the unwarrantableneſs of Mortimer's power and adminiſtration; he was made to obſerve that he affected to outſhine his ſovereign, by a magnificence too ſplendid for any ſubject; that he diſpoſed of all the great offices of the kingdom to his creatures; that he was abſolute maſter of the fate of the Engliſh, advancing or diſplacing them in proportion as they were calculated to ſerve the baſe purpoſes of his own intereſt, without regard to that of his own country; that the *ſhameful peace* concluded with the Scots, was of his own making; and laſtly, that his influence with the *queen* aroſe from a correſpondence diſhonourable to his majeſty. Theſe informations, coinciding with the ſuſpicions of Edward, he, with a reſolution every way becoming a Britiſh prince, ſeized *Mortimer* in the preſence of the *queen*, ſent him to the Tower, and ſome time afterwards, by the authority of parliament, he was executed at Tyburn.

Thus was a free and generous people near the brink of being enſlaved by the *luſt* and *avarice* of a woman, who forgetting the *natural* and *legal* duties ſhe owed her Prince and his ſubjects, ſacrificed every thing to the gratification of theſe paſſions.

"Great effects often ſpring from ſmall cauſes," ſays the adage, and ſurely never was it more exemplified than in the riſe of the *Thane*. The P——ſs D—w—r of W—s, during the minority of her ſon, happened one evening at *K—w*, to want a fourth perſon at Quadrille, when hearing that the

Thane, who was then a nobleman of great obſcurity, was at Rich——d for the benefit of his health, a card was immediately diſpatched to aſk him of the party. The invitation was accepted, and his addreſs and converſation was ſuch, that after a few viſits he ingratiated himſelf ſo much into the good graces of the P——ſs, that he was made tutor to the young P——ce, and continued in the double capacity of *preceptor* and *underſtateſman*, 'till the late K—g's death.

This event ſcarcely took place, when the political ſyſtem of affairs was totally changed, and the cabinet was removed from St. *J——s*'s to Carlton-houſe; the *perſonage*, who ſhould have the *greateſt* authority in this ſyſtem, had apparently the leaſt; for being naturally of a domeſtic turn, he reſigned every thing to the P——ſs, and ſhe devolved it implicitly on the *Thane*.

The world has been cenſorious enough to charge this confidence to an unaimable account; but when we conſider that the *gallant* was rather, as Othello ſays, declining into the vale of years, that he was father of many children, with the great diſparity of their rank, ſurely this report muſt be the manufacture of ſcandal. However it was he gained this aſcendancy! it is plain he poſſeſſed it, and her beſtowing on him a curious and extenſive library, during the minority of five ſons, rather confirmed the report that the connection was ſomewhat more than *platonic*.

The firſt ſtep they took, when they found themſelves at liberty to act without controul, was to relieve themſelves, by degrees, from the preſence, and ſuſpicious obſervations of the whig nobility and gentry, whoſe anceſtors had contributed to the eſtabliſhment of the preſent r—l f——ly on the th——e, to make room for an ad————n principally compoſed of *Tories*, *Jacobites*, and *Scotchmen*,; a few *Engliſh*, indeed, were continued in office, but theſe were men, who were to be eternally at the beck of the miniſter, and who are the miſerable appendages of every ad———n.

It would be laughable, were not the conſequences of too ſerious a nature to be jeſted with, to think of the many ſpecies of *fineſſe* made uſe of by this modern Machiavel to effect

theſe

theſe purpoſes. The following anecdote, however, will, in part, illuſtrate his manner of behaviour.

The late D—ke of D—v—re, in his turn of waiting, was attending the K—— one night to bed; the Thane, whoſe acceſs to him was ſo eaſy, as to be admitted at all hours, took the opportunity of entering into a cloſe converſation with him, as he was paſſing through the apartments; the D—ke waited with impatience for a conſiderable time, which the *Thane* took no manner of notice of. At laſt they entered the dreſſing room, when the D—ke laying down the candles on the table, told his M——y "that though it was his buſineſs to wait upon him, it was not on a perſon of inferior rank;" the conſequence of this was a diſmiſſion.

Weary at laſt with this underhand dealing, the maſk was in a little time after totally thrown off, to make room for the ſole exertion of prerogative. By this influence Mr. Legge was diſmiſſed, and Mr. Pitt, the ſaviour of his country, along with Lord Temple, ſoon after were forced out of the cabinet. A peace was next to be made on any terms, to give an opportunity of ruling without the leaſt controul, as well as appropriating ſome *douceurs*, that our conqueſts gave us full right to expect, to their private advantage. His G—e of B—f—d, to ſave the *Thane* from being conſidered as a principal, was called in to do the job; the lucrativeneſs of the embaſſy checked his conſcience, if he had any, and an infamous peace, wherein there was ſcarce any compenſation made for the waſte of blood and treaſure we had expended, concluded; and to give it the laſt dye of diſhonour, ſuffered to be ratified at Verſailles.

Such arbitrary acts, and many more of a deeper complexion, which are too well known to need mentioning, at laſt rouſed up the native ſpirit of the people, and the *two principals* were obliged to withdraw their *apparent* advice, and to ſuſpend, for a while, the more viſible effects of their influence. But the principle of their government has never been effectually removed; it has yielded only in *form*, but not in *ſubſtance*; and we, at this moment, feel greater effects of its violence than ever.

Did

Did we want to ſupport this poſition, let us appeal to the repeated changes of the King's ſervants, and for the ruin of the ſucceſſive adminiſtrations of *Grenville*, *Rockingham* and *Chatham*, perſons who have been in their turns careſſed, only to be betrayed. Has not adm———n become ſo contemptible, not only among ourſelves, but among our enemies, that it has become a mere national jeſt; it being a common queſtion in France ſome time ago, when ſpeaking of Engliſh politics, to aſk, "who was miniſter laſt week."

The D—e of G—f—n, from his *long* continuation in office (to ſpeak comparatively) owed it totally to the pliancy of his temper, or rather to his pecuniary neceſſities, which forced him to ſubſcribe to the dictums of the cabinet, for the mere ſake of picking the *ſtateſman's bone*; however, *he* was obliged at laſt, to give way to the preſent *Premier*, becauſe he had not courage ſufficient to fire off the miniſterial engines that were then loading againſt the rights and liberties of the people.

Such is the melancholy ſituation to which this country is now reduced, through the influence of a *female*, who has paſſions to be gratified, even at the expence of the vitals of the conſtitution. Every propoſition that has been offered to either houſe, tending to give ſatisfaction to the people for the *preſent*, or ſecuring to them their rights for the *future*, has been uniformly rejected; and the abſolute mandate of the *Thane* preferred to the requiſition of millions.

To continue this parallel, it remains, that the **** ſhould, at laſt, liſten to the reiterated complaints of the people, in regard to the extenſive power, and mal-adminiſtration of the *Thane*; that he ſhould open his eyes to the infamous ſource, whence he has derived this extenſive authority; drive him from the *magic circle*, where he has ſo long *ſtood* unrivalled, and in diſſolving this diſhonourable and unconſtitutional connection, like another Edward, recover his own dignity, by reſtoring unity and concord to an oppreſſed and divided people.

For the LONDON MUSEUM.

Copy of an original Letter, written by the Right Hon. the Lady Mary W. Montague.

To the Counteſs of B. *Vienna, Jan.* 1. *O. S.* 1717.

I Troubled your ladyſhip with a letter from *Hanover*; in which I wiſhed to be entertaining:—but if I failed in your ladyſhip's opinion on the part of novelty, I could but pleaſe your *loyalty* in the account of the young Prince: and if I had any doubt of the miſcarriage of my letter, I would with pleaſure repeat his good qualities again. I am now, my dear Counteſs, juſt going to undertake a journey towards *Adrianople*, and hope in fifteen days to reach *Peterwaradin*. The rigour of the ſeaſon terrifies me, and the polite people here, have increaſed my horrors in their deſcription of *Hungary*, out of kindneſs to keep me longer amongſt them.—The reigning empreſs took ſome trouble to perſuade me to ſtay; and intreated me much to take *Vienna* in my return; but I am fatigued with German faſhions, and ſurfeited with civility; and at the ſame time ſo truly conjugal, that *honour and obey* will be words ever obediently reſpected by me—but ſhould the fatigue of the journey be equal to what they ſay, I fear my dear infant will never be able to ſupport it. The croſſing of the *Danube* carries with it a cold, dreary idea, and when I aſſure you, that no leſs a General than Prince Eugene confirms this account, I ſhudder, and would wiſh to relinquiſh the undertaking 'till the return of the Swallow. You may be aſſured my ideas were raiſed very high, at the expectation of an interview with this hero, but the ſublime pleaſures of imagination are ſeldom realized in real life:—before I ſaw the prince, my mind run on nothing but the labours and form of HERCULES—but theſe notions were lowered, by finding him a tame mortal; which convinced me, that there is no perfection in human nature.

I hope you are not ſo very extravagant in your demands as many of my friends.—They all inſiſt upon deſcriptions of churches, palaces, faſhions, &c. without ever conſidering, that by continually deſcribing, I may make repetitions—but if my letters are not compared, I may yet hope to paſs without cenſure, and be ſtill thought an entertaining traveller. To

write

write to you, and write nothing about *Vienna*, I fear may give you offence:—and to only tell you the latitude and longitude, will be only telling you nothing more, than any dull geographer may do.——There is ſcarce a letter of mine from hence, but what is ſtuffed with palaces, convents, rivers, &c. and therefore I beg leave to deſcend from the imperial rooms of princes, and the top of ſix ſtories, to tell you, that the *cellars* in VIENNA are more curious, than their grandeſt and higheſt apartments: ſome houſes have abſolutely four, one under the other, arched, with one or two pair of ſtairs, and tubes from the ſtreet to convey air into them.———You would be highly diverted here my dear Counteſs, in the winter ſeaſon, when the different branches of the *Danube* are frozen over, and the ground is covered with ſnow: the ladies then amuſe themſelves in ſledges drawn by one horſe, adorned with bells, ribbons, and taſſels, and vie as much in the taſtes of their carriages as in other fopperies: this entertainment amongſt the polite, never begins till the evening, when the ſervants attend on horſeback with flambeaux, and the gallant ſits behind the ſledge to guide the horſe. The belles upon theſe occaſions are generally dreſſed in velvets, lined with furs, and caps ornamented with ſables. But what ſurprized me moſt, was to find a *Scotch* convent here of ſome ſmall fame, and reſpect; which raiſed my curioſity much, to know how the Scots became of ſo much conſequence in *Vienna*—which I found was by a Saint Colman of Scotland, who is held in high veneration, and lineally deſcended from the blood of their kings; but was murdered by ſome unbelieving peaſants about five miles from this city. But the virtues of this *holy* man did not end with his life—what think you of his body hanging on a tree upwards of two years uncorrupted—and at the ſame time performed many miracles in that pendant ſituation?———There are few bodies with ſuch virtues amongſt our countrymen, for it's ſcarce in the power of phyſic and philoſophy to preſerve them from putrefaction while alive.—I congratulate the Caledonians on the acquiſition of this new Saint—but wonder the German crows were ſo civil to refrain from ſo ſavory a Scotch *haggeſs*. Pray don't chide me my dear madam for lazineſs—for if ſuch *papal* lies will entertain you—you ſhall never want miracles and prodigies, from your's, &c.

THE PRINCIPAL EVENTS AND OCCURRENCES OF THE MONTH OF MARCH, 1770.

MARCH 1.

AT a Court of Common-Council of the City of London, held this day at Guildhall, the debates were very warm and ſtrenuous, for and againſt complying with a requeſt made by the Livery, for a Common-Hall to be granted for the purpoſe of preſenting a Remonſtrance. Upon a diviſion, the numbers were, 112 for complying, and 76 againſt.

Copy of the MEMORIAL *preſented to the Common-Council for the above purpoſe:*

To the Right Hon. the Lord Mayor, Aldermen, and Commons of the City of London, in Common-Council aſſembled.

The Memorial of the Committee of the Livery of London, appointed the 28th of September laſt.

SHEWETH,

THAT the Livery of London, in Common-Hall aſſembled, did, on the 24th of June laſt, direct a Petition to be preſented to his Majeſty, praying a redreſs of many enumerated and intollerable grievances. The ſubjects of the moſt deſpotic Prince on earth, when they humbly petition their Sovereign on the ſcore of grievances, though they cannot promiſe to themſelves redreſs, at leaſt expect an anſwer. That the Livery of London know they have a right to both; yet, contrary to ancient uſage, the Livery of his Majeſty's loyal City of London, after a delay of eight months, do ſtill remain unanſwered and unrelieved.

That the violation of the right of election, by which they are moſt eſpecially affected, has been, ſince that time, avowed and declared legal by the influence of his Majeſty's Miniſters.

Your Memorialiſts, therefore, apply to you, the Common-Council of the City of London, that you may join with them in a requeſt to the Right Hon. the Lord Mayor, ſpeedily to aſſemble the Livery of the ſeveral Companies of this City in a Common-Hall, that they may have an opportunity to take ſuch farther

meaſures therein, for the re-eſtabliſhment and ſecurity of their ancient rights and franchiſes, as the times may require.

Signed by Six of the Livery.

After much altercation, the queſtion was put, whether the Memorial ſhould be now read?

It was carried in the affirmative.

The Memorial being then read, a motion was made, that the ſix gentlemen who had ſigned the ſame ſhould be called in, and aſked when, and by whom, they were appointed a Committee of the Livery of London the 28th of September laſt; the ſaid queſtion was declared in the negative; and, on a diviſion thereon, there appeared three Aldermen and 96 Commoners againſt the ſaid queſtion; 15 Aldermen and 71 Commoners for it. The queſtion was then put to agree with the prayer of the Memorial; but a motion being made, that the conſideration of the Memorial be adjourned to the next Common-Council, it was carried in the negative. The main queſtion being then put, to agree with the prayer of the Memorial, it was carried in the affirmative; upon which the Lord Mayor declared to the Court, that he would iſſue his precept for a Common-Hall to be held on Tueſday next.

March 2. A motion was made this day in the U——r H—— by the Right Hon. L—d Cr——n, and ſeconded in a very able manner by the Right Hon. the E—l of Ab———n, "For "an Addreſs to the K—, requeſting his M——— would put his "Royal Navy on ſuch a footing as to ſecure reſpect to the Crown "and protection to the trade of the ſubject." Great debates aroſe, which laſted till nine o'clock at night. The E— of Ch——— ſpoke with more than his uſual ſpirit. He condemned the conduct of the preſent Adminiſtration throughout. Complained ſtrongly of the ſecret influence of the Earl of Bute, which he affirmed ſtill continued, and which had prevented there having been any original Miniſter ſince the acceſſion of his preſent M———y. The D— of G——— took this to himſelf, and ſaid he did not know what the noble Lord meant, by there having been no original Miniſter; he could take upon him to ſay, that while he was in office he was as much Miniſter as any man could be. Lord Ch——— ſcouted the idea of the noble Duke's having been Miniſter, and ſeemed to laugh at his preſumption in having thought himſelf ſo. He ſaid, he ſpoke of the ſecret influence of an inviſible power;——of a Favourite, whoſe pernicious counſels had occaſioned all the preſent unhappineſs and diſturbances in the nation, and who, notwithſtanding he was abroad, was as potent as ever; that he had ruined every plan for the public good, and betrayed every man who had taken a reſponſible office: that there was no ſafety, no ſecurity againſt his power and malignity; that he himſelf had been duped, he confeſſed it with ſorrow; that he had been duped when he leaſt ſuſpected treachery, at a time when the proſpect was fair, and when the appearances of confidence were ſtrong; in particular, the time when he was taken ill, and obliged to go to Bath for a ſhort week; he had before he ſet out formed, with great pains, atten-

attention and deliberation, ſchemes highly intereſting, and of the utmoſt importance to this country; ſchemes which had been approved in Council, and to which the K— himſelf had given his conſent. But when he returned he found his plans were all vaniſhed into thin air.

The Houſe of Savoy, continued he, has produced a race of illuſtrious Princes; notwithſtanding which it muſt be confeſſed that the Court of Turin ſold you to the Court of France in the laſt peace.—When I was earneſtly called upon for the public ſervice, I came from Somerſetſhire with wings of zeal. I conſented to preſerve a peace which I abominated; a peace I would not make, but would preſerve when made. I undertook to ſupport a Government BY LAW; but to ſhield no man from public juſtice. Theſe terms were accepted, I thought with ſincerity accepted. I own I was credulous, I was duped, I was deceived; for I ſoon found that there was no ORIGINAL Adminiſtration to be ſuffered in this country. The ſame ſecret inviſible influence ſtill prevailed which had put an end to all the ſucceſſive Adminiſtrations as ſoon as they oppoſed or declined to act under it.

Here the D. of G——n got up, and ſaid, I riſe to defend the K—g; though, if I underſtand rightly the words which have been ſpoken, they are only the effects of a diſtempered mind brooding over its own diſcontent.

To which Lord Ch—m replied, I riſe neither to deny, to retract, nor to explain away the words I have ſpoken. As for his M——, I do declare I always found every thing *gracious and amiable in the Cloſet*; ſo amiably condeſcending as to *promiſe* in every repeated audience not only to forgive, but to ſupply the defects of health by his *chearful* ſupport, and by the ready aſſiſtance of all his immediate dependants, &c. Inſtead of this, all the obſtacles and difficulties which attended every great, public and popular meaſure, did not ariſe from thoſe out of government; but were ſuggeſted, nouriſhed and ſupported by that ſecret influence I mentioned, and by the induſtry of thoſe very dependants: firſt by ſecret treachery; then by official influence; afterwards in public Councils. A long train of ſuch practices has at length unwillingly convinced me, that *there is ſomething within the Court greater than the K— himſelf.* As to the noble D—, there was in his conduct, from the time of my being taken ill, a gradual deviation from every thing that had been ſettled and ſolemnly agreed to by his Grace, both as to meaſures and great lines of men? 'till at laſt there were not left two planks together of the ſhip which had been originally launched. As to a diſtempered mind, I have a drawer full of proofs that my principles at leaſt have never given way to any diſeaſe; and that I have always had ſufficient vigour of mind remaining to ſupport them, and conſequently to avoid all thoſe ſnares which from time to time have been ſo artfully laid to take advantage of my ſtate of health; his Grace can witneſs better than any other man, becauſe he has himſelf the letters which ſufficiently prove it.

What a lamentable ſtate, he ſaid, was this oppreſſed nation reduced to; that its internal rights were not only openly violated,

and trampled on, but her conſequence in the connection ſhe ſtood to Europe, ſuffered to droop and languiſh—that conſequence, which a few years ago gave her the authority of dictating to the Belligerant powers of the world. We are now, ſays he, debating an affair of ſo conſtitutional a texture, of ſuch ſelf-evident policy, that only conſidering our ſituation merely as an *iſland*, it is amazing how the utility of an augmentation can be conteſted; but when we add the many recent inducements we have had beſide; ſuch as the reduction of Corſica by the French, the increaſe of their marine, and the general reform made in all their military departments, it becomes a perfect *phænomenon*. He ſpoke of the great preparations making by the continental powers for defenſive and perhaps offenſive meaſures; of their being an hoſtile fleet in our ports *(alluding to the Ruſſian fleet at that time at Portſmouth)* which ought to alarm us and put us on our guard.

The E— of S———h aſſerted, the ports of France and Spain would be as open to the Ruſſian fleet as thoſe of England, and therefore the Addreſs was not neceſſary on that account.

The queſtion being at length called for, a negative was put upon the motion by a great majority. The minority on this queſtion were 46.

March 6. This day at noon there was a very numerous Common-Hall of the Livery of London at Guildhall, agreeable to the Right Hon. the Lord Mayor's precept on that occaſion.

At one o'clock the Lord Mayor, attended by the two Sheriffs, Sir William Stephenſon, and Mr. Alderman Trecothic, with the city officers, entered the Hall, from the Council Chamber; and after the Common Cryer had opened the Hall, and proclaimed ſilence, the Lord Mayor came forward on the Huſtings, and ſpoke to the following effect:

Gentlemen of the Livery,

"I have convened you together on this day, at the requiſition of the Committee of the Livery of this city, as well as by the advice of the Aldermen and Common-Council; and, I hope, from the ſpecimen you gave of your decorum and liberal behaviour at the laſt Common-Hall, every thing will be alike conducted this day. The cauſe of your meeting proceeds from our repeated grievances; ſuch as the number of placemen in the Houſe of Commons, the mal-adminiſtration of evil Councellors, and, above all, the freedom of election being violated—that baſis of our conſtitution, that birth-right of every Engliſhman: I therefore hope you will conſider duly of all theſe, in which you may expect every aſſiſtance from the Chief Magiſtrate of this city, who I look upon to be the ſervant of the public.

"He ſaid, he was glad to ſee ſo a great number of the Livery in the Hall; and looking round him, aſked, do theſe look like *the baſe-born*, or *the ſcum of the earth?* as they had been inſolently called, in common with their fellow ſubjects, by the hirelings of the Miniſtry; by men whom the Miniſtry hired with the public money, to abuſe the people."

The

The Remonſtrance was then read twice by the Common Serjeant, and the approbation of the Hall collected by holding up of hands, when every hand was up except one.

The Sheriffs were then deſired to wait upon his Majeſty, to know his pleaſure when he would be attended on with the Remonſtrance.

Accordingly, immediately after the breaking up of the Common-Hall, they waited on the King at the Queen's Palace, who being at dinner, one of the Lord's in waiting acquainted them, that it was his Majeſty's pleaſure that they ſhould attend him the next day at eleven o'clock, at St. James's, when he would give them his anſwer.

March 7. This day, at half an hour after eleven, agreeable to the above meſſage, the Sheriffs attended at St. James's, to know his Majeſty's pleaſure, when he would be waited on with the City Addreſs, Remonſtrance, and Petition; they waited till twenty minutes after two, when the levee being over, they, with the Remembrancer, were admitted into the cloſet, when Mr. Sheriff Townſend addreſſed himſelf to his Majeſty in the following words:

"*May it pleaſe your Majeſty,*

"By order of the Lord Mayor, Aldermen, and Livery of the city of London, in Common-Hall aſſembled, we took the earlieſt opportunity, as was our duty, to wait upon your Majeſty; and, being prevented by one of your Majeſty's houſhold, who informed us, that it was your Majeſty's pleaſure to receive us this day, wait on your Majeſty, humbly to know when your Majeſty will pleaſe to be attended with an humble Addreſs, Remonſtrance, and Petition."

To which his Majeſty was pleaſed to return the following anſwer:

"As the caſe is entirely new, I will take time to conſider of it, and tranſmit you an anſwer by one of my principal Secretaries of State."

Whilſt the Sheriffs were waiting, Lord Denbigh came up to the City Remembrancer, and aſked him whether the Addreſs, &c. was ſigned and ſealed; or how it was authenticated? The Remembrancer ſaid, he was a City Officer, and that it was no part of his office to give Lord Denbigh an anſwer to his queſtion. Lord Denbigh then went to Mr. Sheriff Townſend, and aſked him whether the buſineſs which brought him there was not new and ſingular; and whether the City had ever preſented a Remonſtrance to a King before? Mr. Townſend replied with another queſtion, Did ever a King of England before turn a deaf ear to the petitions of 60,000 freeholders, and his back on thoſe who preſented them? Lord Denbigh then aſked what made a corporate act? Mr. Townſend, laughing, anſwered, An act of the Corporation to be ſure.

March

March 8. This evening the Sheriffs received the following letter from Lord Weymouth:

" Gentlemen, *St. James's, March* 8, 1770.

" The King commands me to inform you, in conſequence of the meſſage which you brought yeſterday to St. James's, that he is *always ready* to receive applications from *any of his ſubjects*; but as the preſent caſe of Addreſs, Remonſtrance, and Petition, ſeems entirely new, I am commanded to enquire of you, in what manner it is *authenticated*, and what the *nature of the Aſſembly* was, in which this meaſure was adopted?—When you furniſh ME with anſwers to theſe queſtions, I ſhall ſignify to you his Majeſty's further pleaſure. I am, Gentlemen,

Your moſt obedient humble ſervant,

Sheriffs of London. WEYMOUTH."

March 9. This day at noon, at twenty minutes after twelve, the Sheriffs went to St. James's. About one, Lord Bolingbroke, the Lord in waiting, came. The Remembrancer told him, that the Sheriffs of London were attending his Majeſty's pleaſure, and that they required an audience. Some time after Lord Bolingbroke came out, and enquired of the Sheriffs whether he was to tell his Majeſty that they came with a freſh meſſage, or with a meſſage? The Sheriffs anſwered, With a meſſage. Soon after the two Secretaries of State, Lord Rochford and Lord Weymouth, came to the Sheriffs. Lord Weymouth aſked them, " Whether they had received his letter which was written by his Majeſty's order?"

Sheriffs. " We have."

Lord Weymouth. " His Majeſty deſires to know whether you come in conſequence of that letter, or whether you come on any freſh buſineſs?"

Sheriffs. " We come in conſequence of that letter."

Lord Weymouth. " Would it not be more proper to ſend an anſwer in writing through me."

Sheriffs. " We act miniſterially. As Sheriffs of London we have a right to an audience; and cannot communicate to any other perſon than the King, the ſubject of our meſſage."

Lord Weymouth. " I do not diſpute your right to an audience; but would it not be better and more accurate to give your meſſage to me in writing?"

Sheriffs. " We know the value and conſequence of the Citizens right to apply immediately to the King, and not to a third perſon; and we do not mean that any of their rights and privileges ſhall be betrayed by our means."

His Majeſty's levee began at a quarter paſt two, at which time the two Secretaries came to the Sheriffs, and Lord Weymouth ſaid, " His Majeſty *underſtanding* that you come miniſterially, *authorized* with a meſſage *from the City of London*, will ſee you as ſoon as the levee is over."

As ſoon as the levee was over, the Sheriffs were introduced into the King's Cloſet. The King did not, as uſual, receive them

them alone, but Lord Gower, Lord Rochford, and Lord Weymouth were preſent. Mr. Sheriff Townſend addreſſed his Majeſty in theſe words:

" May it pleaſe your Majeſty,

" When we had the honour to appear before your Majeſty, your Majeſty was graciouſly pleaſed to *promiſe* an ANSWER by one of your Majeſty's Principal Secretaries of State; but we had yeſterday queſtions propoſed to us by Lord Weymouth. In anſwer to which we beg leave humbly to inform your Majeſty, that the application which we make to your Majeſty, we make as Sheriffs of the City of London, by the direction of the Livery in Common-Hall legally aſſembled. The Addreſs, Remonſtrance, and Petition, to be preſented to your Majeſty by their Chief Magiſtrate, is the act of the Citizens of London in their greateſt Court; and is ordered by them to be propely authenticated as their act."

To which his Majeſty was *moſt graciouſly* pleaſed to reply, in theſe *moſt gracious and condeſcending* words to the City of London:

" I will conſider of the anſwer you have given me."

Whereupon the Sheriffs withdrew.

When the Sheriffs went into the Cloſet, the City Remembrancer, according to his office and duty, would have attended them; but Lord Bolingbroke (like a Swiſs Porter) rudely ſhoved him back; inſiſting upon it, that he had not a right to go in, and ſhould not enter there. When the Sheriffs' audience was ended, the Remembrancer, like a man, an Engliſhman, and a worthy officer of a great and powerful city, very ſpiritedly and properly told Lord Bolingbroke, that his Lordſhip had done wrong; for that as Remembrancer, attending the Sheriffs, he had a right to enter the Cloſet with the Sheriffs. Lord Bolingbroke ſaid, It might perhaps be ſo; but that he had never been in waiting on ſuch an occaſion before, and hoped he never ſhould again.

March 12. This evening the following letter was received by the Sheriffs:

" Gentlemen, *St. James's, March* 12, 1770.

" The King has commanded me to ſignify to you his Majeſty's pleaſure, that he will receive on Wedneſday next, at two o'clock in the afternoon, the Addreſs, Remonſtrance, and Petition, which you have informed his Majeſty is to be preſented by the Chief Magiſtrate of the City of London.

I am, Gentlemen,

Your moſt obedient humble ſervant,

Sheriffs of London.

WEYMOUTH."

Notice was accordingly given to the Lord Mayor, the City Repreſentatives in Parliament, the Aldermen, Sheriffs, Common-Council,

Council, Livery, Recorder, and City Officers, to attend the delivery of the ſaid Remonſtrance to-morrow.

March 14. This day at noon, in conſequence of the letter received from Lord Weymouth, the Lord Mayor, with Aldermen Sir William Stephenſon, and Mr. Trecothick; Mr. Townſend and Mr. Sawbridge, Sheriffs, one hundred and fifty-three of the Common-Council, and the Committee of the Livery, in their proper gowns, attended at Guildhall; from whence, at a quarter before one, they proceeded in their carriages to St. James's, attended by the Common Serjeant, COMMON CLERK, Remembrancer, two Secondaries, Sword Bearer, Mace Bearer, Water Bailiff, Common Crier, Common Hunt, City Marſhals, &c. &c. &c. proceeded to St. James's. They arrived at two o'clock, and were introduced to his Majeſty, who received them ſeated on his throne; the Common Serjeant (in the abſence of the Recorder) began to read the Remonſtrance; but being in too much confuſion to proceed, Sir James Hodges, the COMMON CLERK, read it to his Majeſty, very properly and diſtinctly, and with a ſuitable and judicious emphaſis.

COPY *of the* REMONSTRANCE.

The ADDRESS, REMONSTRANCE, *and* PETITION *of the Lord Mayor, Aldermen, Common Council, and Livery of the City of London in Common Hall aſſembled.*

To the KING's Moſt Excellent Majeſty,

May it pleaſe your Majeſty,

WE have already in our petition dutifully repreſented to your Majeſty the chief injuries we have ſuſtained. We are unwilling to believe that your Majeſty can ſlight the deſires of your people, or be regardleſs of their affection, and deaf to their complaints; yet their complaints remain unanſwered: their injuries are confirmed: and the only judge whom the revolution has left removable at the pleaſure of the crown, has been diſmiſſed from his high office for defending in parliament the law and the conſtitution. We therefore venture once more to addreſs ourſelves to your Majeſty, as to the father of your people, as to him who muſt be both able and willing to redreſs our grievances: and we repeat our application with the greater propriety, becauſe we ſee the inſtruments of our wrongs, who have carried into execution the meaſures of which we complain, more particularly diſtinguiſhed by your Majeſty's royal bounty and favour.

Under the ſame ſecret malignant influence, which, through each ſucceſſive adminiſtration, has defeated every good, and ſuggeſted every bad intention, the majority of the Houſe of Commons have deprived your people of their deareſt rights.

They have done a deed, more ruinous in its conſequences than the levying of ſhip-money by Charles the Firſt, or the diſpenſing power aſſumed by James the Second. A deed which muſt vitiate all

all the future proceedings of this parliament; for the acts of the legiſlature itſelf can no more be valid without a legal Houſe of Commons, than without a legal Prince upon the throne.

Repreſentatives of the people are eſſential to the making of laws; and there is a time when it is morally demonſtrable that men ceaſe to be repreſentatives. The time is now arrived. The preſent Houſe of Commons do not repreſent the people. We owe to your Majeſty an obedience, under the reſtrictions of the laws, for the calling and duration of parliaments: and your Majeſty owes to us, that our repreſentation, free from the force of arms or corruption, ſhould be preſerved to us in them.

It was for this we ſucceſsfully ſtruggled under James the Second; for this we ſeated and have faithfully ſupported your Majeſty's family on the throne.

The people have been invariably uniform in their object; though the different mode of attack has called for a different defence.

Under James the Second they complained, that the ſitting of parliament was interrupted, becauſe it was not corruptly ſubſervient enough to his deſigns. We complain now, that the ſitting of this parliament is not interrupted, becauſe it is corruptly too ſubſervient to the deſigns of your Majeſty's miniſters. Had the parliament under James the Second been as ſubmiſſive to his commands, as it is at this day to the dictates of a miniſter, inſtead of clamours for its meeting, the nation would have rung, as now, with outcries for its diſſolution. The forms of the conſtitution, like thoſe of religion, were not eſtabliſhed for the form's ſake, but for the ſubſtance. And we call God and men to witneſs, that as we do not owe our liberty to thoſe nice and ſubtle diſtinctions, which places and penſions, and lucrative employments have invented; ſo neither will we be deprived of it by them: but as it was gained by the ſtern virtue of our anceſtors, by the virtue of their deſcendants it ſhall be preſerved.

Since therefore the miſdeeds of your Majeſty's miniſters, in violating the freedom of election, and depraving the noble conſtitution of parliament are notorious, as well as ſubverſive of the fundamental laws and liberties of this realm; and ſince your Majeſty, both in honour and juſtice, is obliged inviolably to preſerve them according to the oath made to God, and your ſubjects at your coronation; We your remonſtrants aſſure ourſelves that your Majeſty will reſtore the conſtitutional government and quiet of your people, by diſſolving this parliament, and removing thoſe evil miniſters for ever from your councils.

To which his *moſt gracious* Majeſty was pleaſed to *read* the following anſwer:

"I SHALL always be ready to receive the requeſts, and to liſten to the complaints of my ſubjects; but it gives me great concern to find, that any of them ſhould have been ſo far miſled as to offer me an Addreſs and Remonſtrance, the contents of

which I cannot but conſider as diſreſpectful to me, injurious to Parliament, and irreconcileble to the principles of the conſtitution.

"I have ever made the law of the land the rule of my conduct, eſteeming it my chief glory to reign over a free people: with this view I have always been careful, as well to execute faithfully the truſt repoſed in me, as to avoid even the appearance of invading any of thoſe powers which the conſtitution has placed in other hands. It is only by perſevering in ſuch a conduct that I can either diſcharge my own duty, or ſecure to my ſubjects the free enjoyment of thoſe rights which my family were called to defend; and while I act upon theſe principles, I ſhall have a right to expect, and I am confident I ſhall continue to receive, the ſteady and affectionate ſupport of my people."

When his Majeſty had done reading THE ſpeech, the Lord Mayor, &c. had the honour of kiſſing his Majeſty's hand; after which, as they were withdrawing—his Majeſty inſtantly turned round to his courtiers, and *burſt out a laughing.*

Nero fiddled whilſt Rome was burning.

REMARKS *on the above Anſwer by* JUNIUS.

I BELIEVE there is no man, however indifferent about the intereſts of this country, who will not readily confeſs that the ſituation, to which we are now reduced, whether it has ariſen from the violence of faction, or from an arbitrary ſyſtem of government, juſtifies the moſt melancholy apprehenſions, and calls for the exertion of whatever wiſdom or vigour is left among us. The King's anſwer to the Remonſtrance of the City of London, and the meaſures ſince adopted by the Miniſtry, amount to a plain declaration that the principle, on which Mr. Luttrell was ſeated in the Houſe of Commons, is to be ſupported in all its conſequences, and carried to its utmoſt extent. The ſame ſpirit, which violated the freedom of election, now invades the Declaration and Bill of Rights, and threatens to puniſh the ſubject for exerciſing a privilege, hitherto undiſputed, of petitioning the Crown. The grievances of the people are aggravated by inſults; their complaints not merely diſregarded, but checked by authority; and every one of thoſe acts, againſt which they remonſtrated, confirmed by the King's deciſive approbation. At ſuch a moment, no honeſt man will remain ſilent or inactive. However diſtinguiſhed by rank or property, in the rights of freedom we are all equal. As we are Engliſhmen, the leaſt conſiderable man among us has an intereſt, equal to the proudeſt Nobleman, in the laws and conſtitution of his country, and is equally called upon to make a generous contribution in ſupport of them;—whether it be the heart to conceive, the underſtanding to direct, or the hand to execute. It is a common cauſe, in which we are all intereſted, in which we ſhould all be engaged. The man who deſerts it

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at this alarming criſis, is an enemy to his country, and, what I think of infinitely leſs value, a traitor to his Sovereign. The ſubject, who is truly loyal to the Chief Magiſtrate, will neither adviſe nor ſubmit to arbitrary meaſures. The City of London have given an example, which, I doubt not, will be followed by the whole kingdom. The noble ſpirit of the metropolis is the life-blood of the ſtate, collected at the heart: from that point it circulates, with health and vigour, through every artery of the conſtitution. The time is come, when the body of the Engliſh people muſt aſſert their own cauſe: Conſcious of their ſtrength, and animated by a ſenſe of their duty, they will not ſurrender their birthright to Miniſters, Parliaments, or Kings.

The City of London have expreſſed their ſentiments with freedom and firmneſs; they have ſpoken truth boldly; and, in whatever light their Remonſtrance may be repreſented by Courtiers, I defy the moſt ſubtle lawyer in this country to point out a ſingle inſtance, in which they have exceeded the truth. Even that aſſertion, which we are told is moſt offenſive to Parliament, in the theory of the Engliſh conſtitution is ſtrictly true. If any part of the Repreſentative body be not choſen by the people, that part vitiates and corrupts the whole. If there be a defect in the Repreſentation of the people, that power, which alone is equal to the making of laws in this country, is not complete, and the acts of Parliament under that circumſtance are not the acts of a pure, an intire legiſlature. I ſpeak of the theory of our conſtitution; and whatever difficulties or inconveniences may attend the practice, I am ready to maintain that, as far as the fact deviates from the principle, ſo far the practice is vicious and corrupt. I have not heard a queſtion raiſed upon any other part of the Remonſtrance. That the principle, on which the Middleſex election was determined, is more pernicious in its effects than either the levying of ſhip-money by Charles the Firſt, or the ſuſpending power aſſumed by his ſon, will hardly be diſputed by any man who underſtands or wiſhes well to the Engliſh conſtitution. It is not an act of open violence done by the King, or any direct and palpable breach of the laws attempted by his Miniſter, that can ever endanger the liberties of his country. Againſt ſuch a King or Miniſter the people would immediately take the alarm, and all parties unite to oppoſe him. The laws may be groſsly violated in particular inſtances, without any direct attack upon the whole ſyſtem. Facts of that kind ſtand alone; they are attributed to neceſſity, not defended upon principle. We can never be really in danger, until the forms of Parliament are made uſe of to deſtroy the ſubſtance of our civil and political liberties;—until Parliament itſelf betrays its truſts, by contributing to eſtabliſh new principles of government, and employing the very weapons, committed to it by the collective body, to ſtab the conſtitution.

As for the terms of the Remonſtrance, I preſume it will not be affirmed, by any perſon leſs poliſhed than a Gentleman Uſher, that this is a ſeaſon for compliments. Our gracious Sovereign indeed is abundantly civil to himſelf. Inſtead of an anſwer to a Petition,

his Majeſty very gracefully pronounces his own panegyric; and I confeſs that, as far as his perſonal behaviour or the royal purity of his intentions is concerned, the truth of thoſe declarations, which the miniſter has drawn up for his maſter, cannot decently be diſputed. In every other reſpect, I affirm that they are abſolutely unſupported, either in argument or fact. I muſt add too, that ſuppoſing the ſpeech were otherwiſe unexceptionable, it is not a direct anſwer to the Petition of the City. His Majeſty is pleaſed to ſay, that he is always ready to receive the requeſts of his ſubjects; yet the Sheriffs were twice ſent back with an excuſe, and it was certainly debated in Council whether or no the Magiſtrates of the City of London ſhould be admitted to an audience. Whether the Remonſtrance be or be not injurious to Parliament, is the very queſtion between the Parliament and the people, and ſuch a queſtion, as cannot be decided by the aſſertion of a third party, however reſpectable. That the petitioning for a diſſolution of Parliament is irreconcileable with the principles of the conſtitution, is a new doctrine. His Majeſty perhaps has not been informed that the Houſe of Commons themſelves have, by a formal reſolution, admitted it to be the right of the ſubject. His Majeſty proceeds to aſſure us that he has made the laws the rule of his conduct.——Was it in ordering or permitting his Miniſters to apprehend Mr. Wilkes by a General Warrant?——Was it in ſuffering his Miniſters to revive the obſolete maxim of *nullum tempus*, to rob the Duke of Portland of his property, and thereby give a deciſive turn to a county election?—Was it in erecting a chamber conſultation of Surgeons with authority to examine into and ſuperſede the legal verdict of a Jury? Or did his Majeſty conſult the laws of this country when he permitted his Secretary of State to declare that, whenever the civil magiſtrate is trifled with, a military force muſt be ſent for, *without the delay of a moment*, and effectually employed? Or was it in the barbarous exactneſs, with which this illegal, inhuman doctrine was carried into execution?——If his Majeſty had recollected theſe facts, I think he would never have ſaid, at leaſt with any reference to the meaſures of his government, that he had made the laws the rule of his conduct. To talk of preſerving the affections or relying on the ſupport of his ſubjects while he continues to act upon theſe principles, is indeed paying a compliment to their loyalty, which I hope they have too much ſpirit and underſtanding to deſerve.

His Majeſty, we are told, is not only punctual in the performance of his own duty, but careful not to aſſume any of thoſe powers which the conſtitution has placed in other hands. Admitting this laſt aſſertion to be ſtrictly true, it is no way to the purpoſe. The City of London have not deſired the King to aſſume a power placed in other hands. If they had, I ſhould hope to ſee the perſon, who dared to preſent ſuch a petition, immediately impeached. They ſolicit their King to exert that conſtitutional authority, which the laws have veſted in him for the benefit of his ſubjects. They call upon him to make uſe of his lawful prerogative

rogative in a caſe, which our laws evidently ſuppoſed might happen, ſince they have provided for it by truſting their Sovereign with a diſcretionary power to diſſolve the Parliament. This requeſt will, I am confident, be ſupported by Remonſtrances from all parts of the kingdom. His Majeſty will find at laſt that this is the ſenſe of his people, and that it is not his intereſt to ſupport either Miniſtry or Parliament, at the hazard of a breach with the collective body of his ſubjects.—That he is the King of a free people is indeed his greateſt glory. That he may long continue the King of a free people, is the ſecond wiſh that animates my heart. The firſt is, THAT THE PEOPLE MAY BE FREE.

WE, the Aldermen of the City of London, whoſe names are hereunto ſubſcribed, obſerving that the Addreſs, Remonſtrance, and Petition agreed upon by the Livery, who met at Guildhall on Tueſday the 6th of this inſtant March, is entitled, "The Addreſs, Remonſtrance, and Petition of the Lord Mayor, Aldermen, and Livery of the City of London to the King's Moſt Excellent Majeſty," do declare that we were not aſſenting to, nor ever ſignified our approbation of the ſaid Addreſs, Remonſtrance, and Petition. Dated this 13th day of March, 1770.

Robert Ladbroke,
Robert Alſop,
Richard Glyn,
Thomas Harley,
Samuel Turner,
Henry Bankes,
Richard Peers,
William Naſh,
Thomas Halifax,
John Shakeſpear,
James Eſdale,
Samuel Plumbe,
Brackley Kennett,
J. Kirkman,
James Roſſeter,
John Bird.

March 16. In a Committee of the U——r H——, an enquiry into the accounts and expenditure of the Civil Liſt were moved for.—Upon this occaſion L—d Ch——m ſaid, "The Civil Liſt is appropriated in the firſt place to the ſupport of the civil government, and in the next, to the honour and dignity of the Crown; in every other reſpect the minute and particular expences of the Civil Liſt are as open to Parliamentary examination and enquiry, in regard to the application and abuſe, as any other grant of the people, to any other purpoſe: and Miniſters are equally or more culpable for incurring any unprovided expence, and for running in arrear this ſervice, as for any other. The preambles of all the Civil Liſt acts prove this, and none but children, novices, or ignorants, will ever act without proper regard to it: and therefore, I can never conſent to increaſe fraudulently the civil eſtabliſhment under pretence of making up deficiencies, nor will I ever bid ſo high for Royal favour; and the Miniſter who is bold enough to ſpend the peoples money, before it is granted, even though it were *not* for the purpoſe of corrupting their repreſentatives) and thereby leaving the people of England no other alternative, but either

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to disgrace their Sovereign by not paying his debts, or to become the prey of every unthrifty and corrupt Minister, such Minister deserves death.

" It was an expression of that great Minister Sir Robert Walpole, upon a debate on the army in the year 1707, " Those who gave the power of blood, gave blood." I will beg leave to parodize the expression, and to say—Those that gave the means of corruption, gave corruption. I will trust no Sovereign in the world with the means of purchasing the liberties of the people. When I had the honour of being the confidential keeper of the King's intention, he assured me, that he *never intended to exceed the allowance* which was made by Parliament; and therefore, my L——ds, at a time when there are no marks of personal dissipation in our K—g, at a time when there are no marks of any considerable sums having been expended to procure the secrets of the Cabinet-council of our enemies; that a request of an enquiry into the expenditure of the Civil List should be refused, is to me most extraordinary. Does the K— of E———d want to build a palace equal to his rank and dignity? Does he want to encourage the *polite* and liberal, or useful arts? Does he mean to reward the hardy veteran, who has defended his quarrel in many a rough campain, whose salary does not equal those of some of your insolent upper servants? Or does he mean, by drawing the purse strings of his subjects, to spread corruption through the people, to procure a Parliament, like an infamous pack'd jury, ready to acquit his Ministers at all adventures. I don't say, my L—ds, that corruption lies *here*, or that corruption lies *there*; but if any gentleman in England was to ask me, whether I thought both Houses of P————nt were bribed, I should *laugh in his face*, and say—Sir, it is not so.—Therefore, my L—ds, from all that has been said, I think it must appear, that an enquiry into the Civil List is expedient, proper, and just: a refusal of it at this time will not add dignity to disgrace; but will only serve to convince the people, that we are governed by a set of objects, who possess the peculiar talent of making even calamity ridiculous.

" The late good old King had something of humanity, and amongst many other royal and manly virtues, he possessed justice, truth, and sincerity in an eminent degree; so that he had something about him by which it was possible for you to know whether he liked you, or disliked you.

" I have been told that I have a pension, and that I have recommended others to pensions: it is true; and here is a list of them; you will find there the names of General Amherst, Sir Edward Hawke, and others of the same nature; they were given as rewards for real services, and as encouragement to other gallant heroes. They were honourably earned in a different sort of campaigns than those at *Westminster*; they were gained by actions full of danger to themselves, of glory and benefit to this nation; not by corrupt votes of baseness and of destruction to their country. You will find no SECRET service there; and you will find that when the warrior was recompensed, the Member of Parliament

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was left free. You will likewiſe find a penſion of 1500l. a year to Lord Camden. I recommended him to be Chancellor; his public and private virtues were acknowledged by all, they made his ſtation more precarious. I could not reaſonably expect from him that he ſhould quit the Chief Juſticeſhip of the Common Pleas, which he held for life, and put himſelf in the power of thoſe who were not to be truſted, to be diſmiſſed from the Chancery, perhaps the day after his appointment. The public has not been deceived by his conduct. My ſuſpicions have been juſtified, his integrity has made him once more a poor and a private man; *he was diſmiſſed for the vote he gave in favour of the Right of Election in the ſubject.*"

Here the E—l of M———t ſtood up, and called *to order*, which the E—l of Ch——m not immediately obſerving, the whole Miniſtry got up in great heat and made a *noble* confuſion. When the H——e was a little quieted the E—l of M———t moved, "That Lord Ch——m's words might be taken down." Upon which L—d Ch——m inſtantly ſtood up, and cried out, *I ſecond that motion.* This ſo confounded the *Scot* that he would *fain* have withdrawn his motion, for he ſaid, that he had moved for the words being taken down for only his own private information. The L—ds S———h and W———h were likewiſe confounded by the unexpected ſpirit of L—d Ch——m, and were alſo for withdrawing the motion. But Lord Ch——m, inſiſted that his words ſhould be taken down, and added, "I neither deny, retract, or explain theſe words. I do re-affirm the fact, and I deſire to meet the ſenſe of the Houſe; I appeal to the honour of every L—d in this H——, whether he has not the ſame conviction."

Here L—d R———m, L—d T——e, and others ſtood up and ſeverally declared, upon their honours, that they believed the late Lord Ch———r was diſmiſſed from his employment, for his vote in that H——e on the firſt day of the ſ——n. After which there was a perfect ſilence for ſome time. At length L—d Ch——m got up, and ſaid, "My words remain unretracted, unexplained, and re-affirmed. I deſire to know whether I am condemned or acquitted; and whether I may ſtill preſume to hold up my head as high as the noble Lord who moved to have my words taken down."

Here another ſilence enſued, which having continued ſome time, L—d Ch——m ſtood up again, and ſaid, "If I am to go off acquitted, I do now declare to you, that there are many men to impeach, and many meaſures to arraign for the ſecurity of this nation, and the very exiſtence of our laws and conſtitution; and, by God's bleſſing, I will arraign and impeach them."

L—d M———t (being encouraged by L—d M———d) then moved, "That it did not appear to that Aſſembly that the late L—d Ch———r was diſmiſſed for his vote there."

In this ſame ſelect company on the ſame day, a certain L—d was hard driven on a former declaration he had made, viz. *That he never had diſcloſed, and never would diſcloſe his opinion on the Middleſex*

dleſex Election; but that it ſhould be buried with him in his grave. He was forced at laſt to add—*except in private intimate confidence.*

L—d Ch——m was reproached for having recommended the D— of Gr——n; and that he had puſhed the D— forward, and forced him on the K—, as his firſt Miniſter.

To which he replied, "That he had indeed recommended him for the Treaſury; but he could never be ſuppoſed to have thought of that boy as the firſt Miniſter of a great nation."

He proceeded to ſay, "I adviſed his Majeſty to take the D— of Gr——n as Firſt Lord of the Treaſury, but there is ſuch a thing as time as well as tide: and the conduct of the noble D— has convinced me, that I am as likely to be deceived as any other man, that I am as fallible as my betters."

March 28. This day, purſuant to an advertiſement for that purpoſe, the Electors of Weſtminſter aſſembled in Weſtminſter-Hall, to conſider of an *Addreſs*, *Remonſtrance*, and *Petition* to his Majeſty, for Redreſs of Grievances. At twelve o'clock Sir Robert Bernard, Bart. attended by ſeveral other gentlemen, entered the Hall, and was immediately called to the Chair; which was placed upon the top of the ſteps, leading into the Court of Common-Pleas. Mr. Martyn, holding an engroſſed copy of a Remonſtrance in his hand, ſaid, This is an Addreſs, Remonſtrance, and Petition to his Majeſty, for the Redreſs of Grievances, which has been agreed to by a Committee of the Electors of this City and Liberty; which, if you pleaſe, I will deliver to your Chairman, to be read for your conſideration. Sir Robert Bernard then put the queſtion—If it was their deſire to hear it read? which was unanimouſly aſſented to. Mr. Martyn was deſired to read it, which he did in a very diſtinct and audible manner. And ſo warmly did the Electors approve of it, that the reading was interrupted with ſhouts of applauſe: and when the reading was finiſhed, they again teſtified their approbation of it by new burſts of applauſe, which ended in an univerſal clapping of hands. The queſtion was then put by the Chairman, Whether they agreed to this Remonſtrance? when they all ſignified the affirmative, by holding up their hands. The contrary was then put; when not one hand was held up: ſo it was agreed to *unanimouſly*.

The following queſtion, being moved and ſeconded, was next put by the Chairman, Is it your pleaſure, that this Addreſs, Remonſtrance, and Petition, be ſigned in the name, and on the behalf of you all, by your Chairman and Committee, and immediately delivered to his Majeſty? which was likewiſe unanimouſly agreed to. James Connell, Eſq; in a ſhort ſpeech, obſerved, That as the Remonſtrance would be immediately delivered to his Majeſty, and as many of the Electors would probably attend the gentlemen who were prepared to go up with it, he hoped they would preſerve peace and good order, and begged the Electors would not offer to go further than the Palace Gate. Mr. Churchill then moved, That the thanks of the Electors might be given to Sir Richard Bernard, Bart. which was alſo agreed to unanimouſly.

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The proceedings in the Hall being thus finiſhed, with the ſtricteſt order and decorum, the Chairman and Committee went to the King's Arms Tavern in Bridge-ſtreet, where the Remonſtrance was ſigned; and Sir Robert Bernard, Bart. James Connell, Eſq; and Mr. Martin were deſired to attend his Majeſty with it. The gentlemen accordingly took their carriages, and drove directly to St. James's. As they went off pretty quick, the Electors, on foot, could not keep up with them; and the Speaker of the Houſe of Commons happening to come by at the ſame time, a great body of them hiſſed him exceedingly, and then made a noiſe after him like the roaring of a *Bull*, (alluding to his nick-name.) A few got up, and kept with the gentlemens' carriages all the way to St. James's. A great number went through the Park, and preſently the whole diſperſed different ways, without the leaſt tumult or diſorder.

Various opinions have been aſſerted as to the number of perſons in the Hall, (which is conſiderably larger than Guildhall in the city) but from the beſt and moſt attentive obſervation, it may be ſafely affirmed, there were at leaſt FIVE THOUSAND. A miniſterial ſycophant, who has been long hunting for a place, was heard to ſay to another courtier, that there were not one hundred and fifty perſons in the Hall, and not one gentleman. This falſhood was framed, to be told at the Queen's Palace.

When the gentlemen appointed to carry up the Remonſtrance came to the Palace Gate, an extra guard of ſoldiers was immediately turned out; and though there was not the leaſt diſturbance, nor the appearance of any thing diſorderly, yet the ſoldiers behaved in a moſt inſolent manner, and ſtruck many perſons without the leaſt provocation, with their bayonets. The gentlemen having alighted from their carriages, amidſt the acclamations of the people, (who offered no other inſult to the ſoldiers, and never attempted to go within twenty yards of the Palace Gate) walked through the lane of ſoldiers, and went up ſtairs to the levee room door, where they were met by one of the Grooms of the Bed-chamber; who aſked Sir Robert Bernard, if he had any thing to preſent to his Majeſty? To which Sir Robert replied, "Yes, the Addreſs, Remonſtrance, and Petition of the city of Weſtminſter." Upon which the Groom of the Bed-chamber ſaid, he would go and acquaint the Lord in waiting. He accordingly went, but not returning ſoon, Sir Robert Bernard propoſed to go into the levee room, which he did accordingly. On opening the door, the ſame Groom of the Bed-chamber ſaid he could not find the Lord in waiting, but ſhould ſoon: However, the gentlemen went on, and, after ſome time, the Lord in waiting came to them; and ſaid, if they had any thing to deliver to his Majeſty, he would receive it in the next room, whither they accordingly went; and, after ſome time, his Majeſty coming into the room, Sir Robert preſented the Remonſtrance open. His Majeſty did not look at it, but turned his back upon the gentlemen, and delivered it to the Lord in waiting, who delivered it to another, who handed it to a Groom of the Bed-chamber, and he carried it off.

The following is an Authentic Copy of it.

The Humble ADDRESS, REMONSTRANCE, *and* PETITION *of the* ELECTORS *of the* CITY *and* LIBERTY *of* WESTMINSTER, *assembled in Westminster-Hall, the* 28*th Day of March,* 1770.

" WE, your Majesty's most Dutiful and Loyal Subjects, the Electors of the City and Liberty of Westminster, having already presented our Humble, but Ineffectual Application to the Throne, find ourselves, by the misconduct of your Majesty's Ministers, in Confederacy with many of our Representatives, reduced to the necessity of again breaking in by our Complaints upon your Majesty's Repose, or of acquiescing under Grievances so NEW and so EXORBITANT, that none but those who patiently submit to them, can deserve to suffer them.

" By the same *secret* and *unhappy* Influence to which all our Grievances have been originally owing, the Redress of those Grievances has been now prevented; and the Grievances themselves have been repeatedly confirmed; with this additional circumstance of Aggravation, that while the Invaders of our Rights remain the Directors of your Majesty's Councils, the Defenders of those Rights have been Dismissed from your Majesty's Service —your Majesty having been advised by your Ministers to remove from his Employment, for his Vote in Parliament, the highest Officer of the Law; because his Principles suited ill with theirs, and his pure distribution of Justice with their Corrupt Administration of it in the House of Commons.

" We beg leave, therefore, again to Represent to your Majesty, that the House of Commons have struck at the most valuable Liberties and Franchises of all the Electors of Great Britain; and by assuming to themselves a Right of Chusing, instead of Receiving a Member when chosen, by transferring to the Representative what belonged to the Constituent, they have taken off from the Dignity, and, we fear, Impaired the Authority of Parliament itself.

" We presume again therefore Humbly to implore from your Majesty, the only Remedies which are in any way proportioned to the nature of the Evil: that you would be graciously pleased to Dismiss for ever from your Councils, those Ministers who are ill suited by their Dispositions to preserve the principles of a Free, or by their Capacities to Direct, the Councils, of a Great and Mighty Kingdom—And that by speedily dissolving the present Parliament, your Majesty will shew by your own Example, and by their Dissolution, that the Rights of your People are to be Inviolable, and that you will never necessitate so many injured, and by such treatment, exasperated subjects, to continue to commit the care of their Interests, to those from whom they must withdraw their Confidence; to repose their invaluable Privileges in the Hands of those who have Sacrificed them; and their Trust, in those who have betrayed it.

" Your

"Your Subjects look up with ſatisfaction to the Powers which the Conſtitution has veſted in your Majeſty—For it is upon them that they have placed their laſt Dependance.—And they truſt that the Right of Diſſolving Parliaments, which has, under former Princes, ſo often anſwered the purpoſes of Power, may under your Majeſty prove an happy Inſtrument of Liberty.

"We find ourſelves compelled to urge with the greater importunity, this our humble but earneſt application to the Throne, as every Day ſeems to produce the Confirmation of ſome old, or to threaten the Introduction of ſome New Injury.—We have the ſtrongeſt reaſons to apprehend, that the Uſurpation begun by the Houſe of Commons upon the Right of Electing, may be extended to the Right of Petitioning; and that under the Pretence of reſtraining the abuſe of this Right, it is meant to bring into diſrepute, and to intimidate us from the Exerciſe of the Right itſelf.

"But whatever may be the purpoſes of others, your Majeſty hath in your Anſwer to the City of London, moſt graciouſly declared, *That you are always ready to receive the requeſts, and to liſten to the complaints of your Subjects.* Your Majeſty condeſcends likewiſe to eſteem it *A duty to Secure to them the free Enjoyment of thoſe Rights which your family were called to defend.* We rely therefore upon the Royal Word, thus given, that our Grievances will meet with full Redreſs, and our Complaints with the moſt favourable Interpretation—That your Majeſty will never conſider the Arraignment of your Miniſters as a Diſreſpect to your Perſon—A charge confined, by the very terms of it, to this Houſe of Commons, as Injurious to Parliament at large (the Conſtitution of which we admire, and the Abuſe of which is the very thing we lament)—or a Requeſt for the Diſſolution of Parliament, which your Subjects have a Right to make, and your Majeſty to Grant, as *irreconcileable to the Principles of the Conſtitution.*"

(To be continued.)

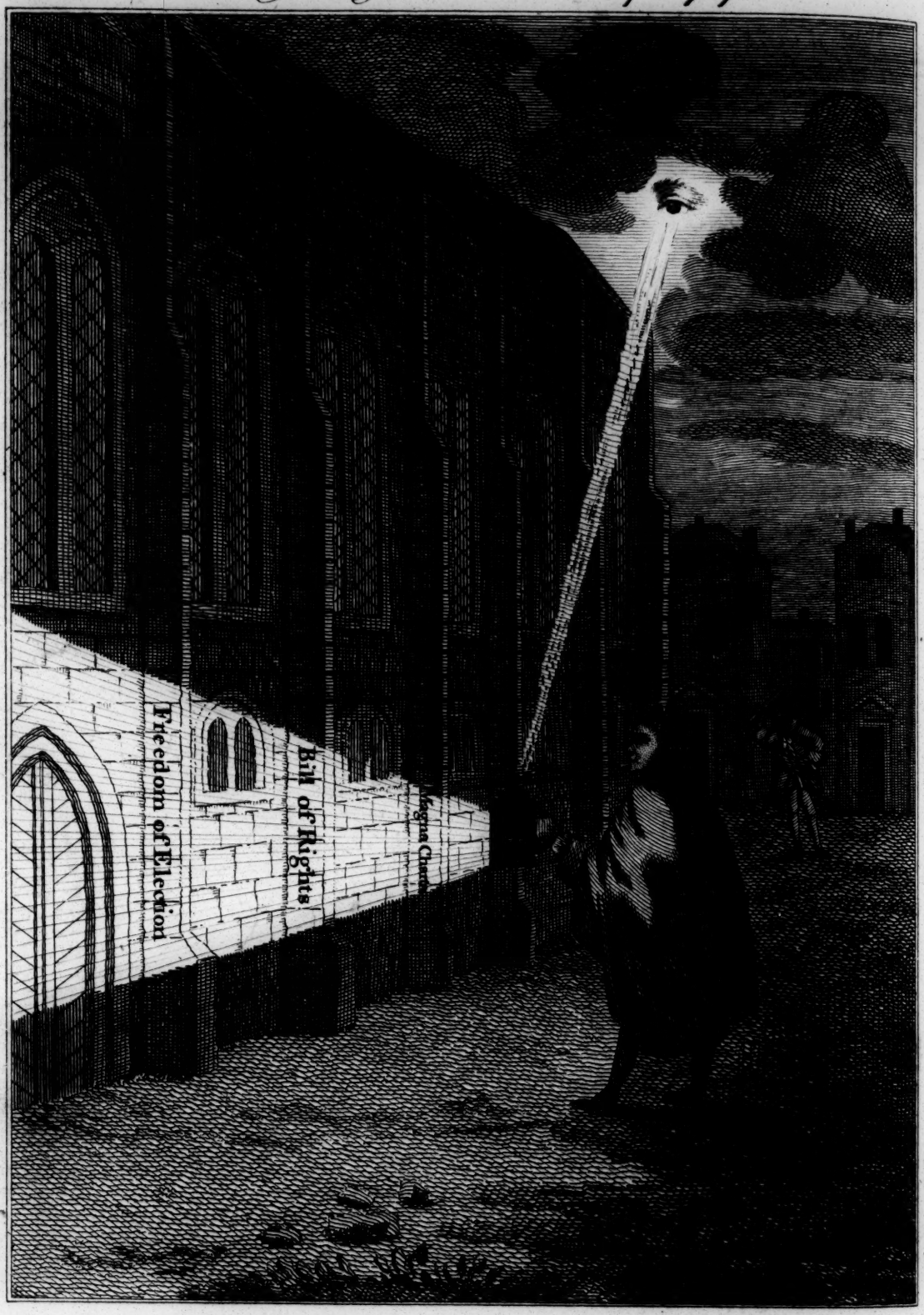
A Register *of* New Publications, *with their Prices and Publiſhers Names.*

Names and Size.	Price. l.	s.	d.	Pub. Names.
Aſtronomical obſervations, made in St. John's College, Cambridge, in 1767, 1768, by the Rev. Mr. Ludlam, 4to.		10	6	Cadell.
The life, adventures, and amours of Sir R——d P——tt, 8vo.		1	6	Brough.
Letters to the Honourable Mr. Juſtice Blackſton, on his Expoſition of the Toleration Act, by Philip Furneaux, D. D. 8vo.		2	6	Cadell.
The conduct of the Biſhop of Wincheſter, as Viſitor of Magdalen College, Oxon, 8v.		1	6	Blyth.

Names and Size.	Price. l.	s.	d.	Pub. Names.
A theoſophic lucubration on the nature of influx, as it reſpects the communication and operations of ſoul and body, by the Hon. Emanuel Swedenborg, from the Latin, 4to.		2	6	
A letter to Lord North, recommending a new mode of taxation, by which vice may be checked, and the poor relieved, 8vo.		1		Dilly.
Georgical eſſays; in which the food of plants is particularly conſidered, &c. 12mo.		2	6	Durham.
A true narrative of an unfortunate elopement, 8vo.		2	6	Davis.
Nature. A novel, 12mo.		3		Murdock.
An appeal to the public, on behalf of Samuel Vaughan, Eſq; 8vo.		2		Dilly.
Timanthes. A tragedy, 8vo.		1	6	Becket
The younger ſiſter; or the hiſtory of Miſs Sommerſet, 2 vols. 12mo.		6		Lowndes.
An ode to Palinurus, 4to.		1		Wilkie.
Aretin: a dialogue on painting, from the Italian of Ludovico Dolce, 8vo.		4		Dodſley.
Hiſtory of the lower empire, from Conſtantine to its deſtruction by the Turks		5	3	Davis.
The principal prophecies of the old and new teſtament, by Samuel Hardy, 8vo.		6		Pearch.
Obſervations on the religion, law, government, and manners of the Turks, 2 vols. 12mo.		4		Nourſe
Hector: A dramatic poem, 8vo.		2	6	Flexney.
Obſervations on the late diſturbances in the nation, and the unreaſonable behaviour of the people			6	Hingeſton.
An eſſay on the Eaſt-India trade, and its importance to the kingdom, 8vo.		1		Payne.
Review of the doctrines of the reformation, by Tho. Bowman, M. A. 8vo.		2	6	Dilly.
A treatiſe on mineral waters, by Dr. D. Monro. 2 vols. 8vo.		10	6	Wilſon.
Oratio anniverſaria, a Gulielmo Harveio, A. D. 1769, a Swithino Adæ, 4to.		1		White.
The poetical retroſpect; or, the year 1769, a poem, 8vo.		2		Noble.
Xenophon's hiſtory of Greece, by Wm. Smith, D. D. Dean of Cheſter, 4to.		10	6	White.
God all in all: a letter to the Baptiſt church, 8vo.		1		Bladon.


BRITISH MUSEUM
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FEB

The Guy Faux of 1770.



The mine was sunk;—combustibles provided, & Wellbore Ellis, the Guy Faux of the Fable, waited only for the signal of Command.

Junius.

THE LONDON MUSEUM

For MAY, 1770.

To the EDITOR *of the* LONDON MUSEUM.

SIR,

THE following is a continuation of the JOURNAL OF THE PROCEEDINGS OF A POLITICAL CLUB, which I ſent you, and which was printed in your laſt.

I am your Friend, &c. A. B.

A FAITHFUL JOURNAL OF THE PROCEEDINGS OF A POLITICAL CLUB, *from the 26th of March* 1770, *to the 12th of April* 1770.

[Having omitted what paſſed on the ſubject of Mr. Grenville's bill in the Committee, on Wedneſday the 21ſt of March, pleaſe to inſert as follows.]

ON Wedneſday the 21ſt of March the Houſe, according to order, reſolved itſelf into a Committee of the whole Houſe, upon the bill to regulate the trials of controverted elections, or returns of Members to ſerve in Parliament.

Upon opening the preamble, Mr. Rigby commenced a general oppoſition to the principle of the bill, to the mode of the remedy propoſed in it, and to the regulations by which it

was to be conducted. He was ſupported by Mr. Dyſon. Lord North laid in his claim to make his objections upon the report, and ſaid, he ſhould not oppoſe its having a fair trial what could be made of it in going through the Committee. Lord Clare declared himſelf a friend to the bill, but objected to two clauſes, the clauſe directing challenge for cauſe, and the clauſe wherein the diſtinction was made that the determination of the Committee ſhould be final as to the ſeat of the Member, but not as to the right of election.

The general grounds of oppoſition were, That the mode was novel, unconſtitutional, and contrary to the law and conſtitution of Parliament; that the regulating by act of Parliament the rights and juriſdiction of one branch of it, which in the exerciſe of thoſe rights and juriſdictions ought to be independent of every other branch, in order to preſerve the mutual check and balance of the whole conſtitution, was an important alteration and might be of the moſt dangerous conſequence and tendency; that the bill would not have the effect which it held forth in the preamble, of preventing expence, trouble, and delay, but would be liable to render the proceedings in this buſineſs ſtill more intricate and perplexed, if not impracticable; and the adding to the proceedings of the Houſe, or to a Committee, theſe ſanctions and ſolemnities, which are eſtabliſhed by law in other trials, it would be of no effect, for if people were now ſo loſt to honour, and ſo inſenſible to juſtice, acting in their judicial capacity, the adding the ſolemnity of an oath would be only adding what would end in mere form, and be a mere ſolemnity inſtead of a real ſanction.

Theſe objections were generally and ſeverally anſwered, by Capt. Phipps, Mr. George Grenville, Mr. Dunning, and Gov. Pownall. The bill was read clauſe by clauſe, and many interlocutory debates aroſe thereon, but none material to any alteration of the bill, except that the objections made to the power of challenging for cauſe, were found well grounded and admitted as ſuch, and the clauſe ſtanding in the bill for that purpoſe was agreed to be left out. An amendment alſo was made to obviate, as far as could be done, the difficulty of drawing the line between the reſolutions on which the Houſe was finally to determine touching *the right of election*,

tion, and thoſe which were to be final by the determination of the committee. There were ſome objections made to the clauſe for enforcing the attendance of the Members, but it was ſhewn to be founded on practice. Some objections alſo to the operation of that part of the bill which referred to trial for perjury, but it appeared that they aroſe from a miſapprehenſion of the proceſs. Some clauſes were added, one to aſcertain the nature of the adjournments of the Committee, another to render the act temporary, for ſeven years, as it was univerſally agreed that it was beſt to introduce the matter as an experiment, which, if it did not ſucceed, the act might expire of itſelf, if it did, it would then of courſe be continued.

THE JOURNAL.

Monday, *March* 26. General Howard produced two numbers of the Whiſperer, and moved for an addreſs to the King, to proſecute the publiſher, alſo for a conference with the Lords to join in it.

It was impoſſible to oppoſe this regularly, as the paper was deteſtable in the higheſt degree, but ſome of the minority wiſhed it had not been brought on the tapis, as the poorneſs of the paper was infinitely below the dignity of Parliament to take notice of. They obſerved, that orders were already given to the Attorney-General to proſecute this paper; that therefore it was needleſs to addreſs the King; that an addreſs of this nature, ſo far from leſſening the ſale of the paper, would only raiſe the peoples curioſities, and occaſion a greater demand; that Parliament ſhould not pre-judge this paper, as ſuch prejudication might have an influence on the Jury before whom it would be tried.

Though there was much truth in this, and it was doing too much honour to ſo deſpicable a performance, yet, as the queſtion was put, it could not avoid being carried.

The Houſe then reſolved itſelf into a Committee on the bill for regulating the conſequence of *expulſions*. The drift of this bill is, to declare that every perſon being convicted of felony, blaſphemy, &c. or any crime puniſhable by *Act of Parliament*, and being expelled for the ſame, ſhould be incapable of ever being re-elected. And that Members guilty of leſs crimes,

and being expelled, might be re-elected. The Miniſtry oppoſed that part of the bill which deſcribes the crimes, as fixing them to ſuch crimes as by act of Parliament only are puniſhable by pillory. They obſerved, this was drawing a line which was not in many inſtances equal, as it was poſſible a Member might be convicted of crimes for which he might be ſentenced by the common law to the pillory, and that ſuch perſon ought to be incapacitated equally with him pillory'd by act of Parliament; ſuch crimes for inſtance as libels, conſpiracies, &c.

In anſwer to this it was ſaid, that it was neceſſary, and that all laws in free countries, conſtantly did draw ſuch a line, as nothing ſhould be left to the diſcretion of a Judge; that in crimes puniſhable by pillory at common law, the Judge had it in his power to inflict a milder ſentence (as fine or impriſonment) and therefore a Judge *might* pillory one of a minority for a crime that in another might be more venial, only for the purpoſe of keeping him out of Parliament; that this was truſting too much to his diſcretion and favour, and therefore inſiſted on a line by *act of Parliament*.

The Miniſtry aſked how a moſt notorious offender, who had not been guilty of offences ſpecified in this bill, could be kept out of the Houſe? It was anſwered, that in caſe of moſt notorious facts, the Houſe might proceed by way of *bill*, to incapacitate ſuch perſon, which would always ſecure its dignity againſt any ſuch offenders. However, the miniſtry did not approve of this, and adjourned the debate till Monday, 102 to 68.

Tueſday, *March* 27. Conference with the Lords on the Whiſperer, and Election for Lenlithgow—The petitioner ſucceeded.

Wedneſday, *March* 28. The Houſe reſolved itſelf into a Committee on the exportation of corn.

A very ſenſible witneſs was examined at the bar; he ſaid, that the medium price was now 32 ſhillings per quarter; that it was nearly the ſame in moſt parts of England, allowing for carriage; that it was by no means adviſeable to allow an immediate

mediate exportation, as no orders would be ſent from abroad till after this harveſt, and it would immediately occaſion a riſe in the price at home; that the beſt method, he thought, would be to allow an exportation after the firſt of September next, provided the King and Council ſaw no reaſon, at that time, to prevent it; that it was abſolutely neceſſary to open the ports ſoon, or elſe the foreign corn trade would be entirely annihilated; but that if people abroad ſaw a probability of an exportation, they would ſend, betwixt now and September, conditional orders, which would, in ſome meaſure, re-eſtabliſh the trade, and at the ſame time, if the harveſt ſhould prove bad, the Council might have an opportunity to ſtop it.

Mr. Burke ſpoke inimitably well; he ſhewed the policy of our laws for the bounty, which had rendered in effect corn cheaper than it had been before that bounty; that a prohibition was contrary to the ſpirit of commerce, that we ought to truſt for a good harveſt, and allow an exportation immediately.

Sir G. Savile ſhewed the abſurdity of our proceedings in giving a bounty on the exportation of corn, by act of Parliament, when it ſhould be ſo low as ſix ſhillings per buſhel, and yet always ſtopping the exportation when it was five ſhillings; which ſhewed the abſolute neceſſity of lowering the bounty price.

Lord North ſaid, the people at preſent diſcontented, would be ten times worſe if corn ſhould advance in price; that it would be impoſſible for the Council to know on the firſt of September what would be the produce of the harveſt, he therefore wiſhed the prohibition might continue till the meeting of Parliament next winter.—The Houſe is always polite enough to comply with the deſire of the Miniſter, ſo he adjourned the debate ſine die, 104 to 86.

Thurſday, March 29. No debate.

Friday, March 30. The bill for regulating the trials of elections was read a third time. Mr. Welbore Ellis moved, that the conſideration of Mr. Grenville's bill to regulate the trials of elections ſhould be put off for two months; he ſpoke againſt the whole bill as not remedying the defects of the preſent mode of determining elections; that it would eſtabliſh a new

a new court of judicature, equally liable to abuſe and inconveniencies with the preſent; that the idea of reverting to the old parliamentary ſyſtem of trials by a ſelect committee, did not hold in this, as in the former caſe; though the committee tried, the Houſe determined; whereas in this bill the determination of the committee was final.

Lord North obſerved, that there were many parts of the bill exceptionable, and as there appeared no reaſon to hurry it through this ſeſſions, on account of any expected diſſolution, he wiſhed it might be deferred for this ſeaſon; he would give no promiſe to bring it on again himſelf, nor any ſort of hints, that it was more likely to paſs another year.

The general arguments in favour of this bill were as we have before ſtated them.—The Speakers were, Mr. Wellbore Ellis, Sir William Bagot, Mr. Ed. Burke, the Attorney-General, Mr. George Grenville, Mr. C. Fox, Governor Pownall, Mr. Dyſon, Mr. Wedderburn, Mr. Dunning, Lord Clare, Mr. Rice, Mr. Burrell, who ſaid if the motion might be permitted to take place, ſo that the conſideration might be put off for the preſent, he would pledge himſelf to bring the matter forward the next ſeſſions—but this parliamentary manœvre did not take effect, and on the queſtion the bill was engroſſed 187 to 125.

Monday, April 2. Mr. Grenville moved that this bill do paſs. Lord North ſaid he did not intend to give any more oppoſition to the bill, though he owned he did not like it; that perhaps the Houſe would not thank him for this declaration, as it might appear to proceed from neceſſity, having been beat by ſo great a majority the day before——The Miniſtry now behaved genteely enough in their debate of to-day—the bill paſſed.

Sir William Bagot looking on himſelf and the country gentlemen to have been violently abuſed by a ſpeech of Mr. Burke's the day before, made a long and vehement invective againſt him, calling him a Black Jeſuit, educated at St. Omer's, fit to be ſecretary to an inquiſition for burning hereticks. Mr. Burke anſwered him well; and in his ſpeech led on a ſort of political creed, which he profeſſed himſelf to follow; and in conſequence of which, many other gentlemen

men delivered their creeds; ſecret influence was hinted at a good deal. Mr. Dowdeſwell, Mr. Grenville, &c. diſclaimed the being governed by it whilſt in power, but owned they had felt the effects of it. Lord North declared he would never yield to any ſuch influence, whilſt he remained in power; others congratulated the Houſe on this declaration, though at the ſame time hinted at the cabinet of Carlton-Houſe, (Stewart Mackenzie, Gilbert Elliot, Jenkinſon, and Dyſon) who like the inner coats of an onion, governed the upper ones. This being more converſation than debate, we ſhall ſay no more of it.——The Houſe then reſolved itſelf into the Committee on the State of the Nation. Mr. Dowdeſwell obſerved, that as the King had not in his ſpeech laſt year given any hopes that his expences would be bounded by his Civil Liſt revenue, it was the duty Parliament owed to its conſtituents, to deſire ſome aſſurances of that nature; that there was reaſon to believe the annual expence vaſtly exceeded, and that the conſequence of ſuch exceſs muſt be debts incurred, and a freſh demand on Parliament again to pay them; that it was very clear that the King had found 176,000l. in the late King's purſe, which he had expended, as well as the 515000l. granted over and above the 800,000l. per annum, and that he had reaſon to believe the debt incurred ſince laſt ſeſſions amounted to 140,000l. he therefore moved ſome reſolutions declaring thoſe facts, ſaying, that on them he ſhould move for an addreſs to his Majeſty, that he would confine his expences within the bounds of his income. And accordingly he moved, That an humble addreſs be preſented to his Majeſty, repreſenting, in the moſt reſpectful and dutiful manner, that it appears to this Houſe, that the expences on his Majeſty's Civil Liſt, from his acceſſion, to the 5th day of *January*, 1769, have exceeded the income of all his Majeſty's annual revenues, applicable to the uſe of his Majeſty's Civil Government, and the ſupport and maintenance of his Houſehold and Royal Family, in the ſum of 686,116l. 5s. 8d. and that it appears alſo to this Houſe, that the expences on his Majeſty's Civil Liſt, in the year ending 31ſt *December*, 1768, being the laſt year for which any account has been laid before this Houſe, amounted to the ſum of 898,077l. 1s. 3d. three farthings, which greatly exceeds the income of all his Majeſty's

jeſty's revenues applicable as aforeſaid to the uſe of his Majeſty's Civil Government, and the ſupport and maintenance of his Houſehold and Royal Family; and to expreſs, in the moſt humble manner, the opinion of this Houſe, that the ſaid expences ought to be confined within the income of his Majeſty's ſaid revenues; and humbly and earneſtly to intreat his Majeſty, that he will graciouſly be pleaſed to give directions, that ſuch retrenchments be made in the ſaid expences, as may reduce them within the income of his Majeſty's ſaid revenues; aſſuring his Majeſty, that, as this Houſe has, upon all occaſions, given the moſt evident proofs of its zeal and affection for his Majeſty, and particularly in the late proviſion for the payment of the debt on the Civil Liſt, ſo we cannot better diſcharge the duty we owe to his Majeſty, and give proof of the continuance of our zeal and affection for his Perſon, his Royal Family, and his Government, than by humbly offering this requeſt to his Majeſty, in order that his ſervants may be induced to practice that œconomy, which will tend moſt to the honour and dignity of his Majeſty's crown, the ſatisfaction of his own royal mind, and the content of his people; that we ſhall be always willing and ready to grant ſuch ſupplies as may be wanted, on all neceſſary occaſions; but that we cannot but be anxious on the part of our conſtituents, to be relieved from the appearance of repeated demands, growing out of expences for the continuance of which there does not appear to this Houſe any neceſſity, and for the reduction of which within the bounds of his Majeſty's income no aſſurance has been given.

Mr. Grenville ſeconded this motion, ſaying, that it was practicable to reduce the expences; that he would give the Miniſter proof of ſuch a plan, either in public or private, whenever he pleaſed, and that he had no kind of intentions in ſuch a plan to diminiſh, in any reſpect, the King's perſonal expences, but on the contrary, ſhould wiſh to ſee the dignity of the Houſehold better preſerved than at preſent.

Lord North ſaid, his Majeſty had laſt year in his ſpeech given all the aſſurances he was adviſed to do, that he would endeavour as ſoon as poſſible to contract his expences, but that till penſions fell in, it would be impoſſible, without

the higheſt injuſtice to do it at preſent; that if ſuch an addreſs was preſented, the King's anſwer could be no other than his ſpeech contained laſt year; that it would be ſhewing a diſreſpect to his Majeſty to deſire publickly ſuch a thing; that he therefore ſhould move that the chairman of the committee ſhould leave the chair, and the committee be broke up; they had now exiſted three months, and no good conſequences had followed—the longer continuance of it was quite uſeleſs.

On the queſtion being put, Lord North ſaid the *Ayes* have it, but Mr. A. Bacon, a majority man, either out of fun or ſpite, ſaid the Noes have it, upon which the majority inſiſted on a diviſion—this the minority never meant, and for ſome time the Houſe was in an uproar.

The minority did not chuſe to divide, and, on the contrary, the majority exulting in their numbers, inſiſted on the diviſion, to which, at laſt, the minority were obliged to comply, and the numbers were 208 to 75.

[Any perſon, on a queſtion, may divide the Houſe, but it is looked upon as a mean trick to divide it againſt your own opinion, and Mr. Bacon was a good deal abuſed for it, though he divided with the minority; yet when the queſtion was reſumed next day, he voted with the majority.]

Tueſday, *April* 3. Mr. Dowdſwell made the ſame motion in the Houſe for an addreſs to his Majeſty, he before had made in the committee, but there was very little debate.

Wedneſday, *April* 4. No debate.

Thurſday, *April* 5. Sir E. Aſtley obſerved, that it was the duty of Parliament, whenever the public money was apparently ſquandered to bad purpoſes, to make enquiry how it had been ſo ſquandered; that when ſo large a requiſition as that made laſt year to pay the Civil Liſt debts, was made on the Houſe, and for which the Houſe could get no accounts but ſuch as were neither ſatisfactory nor intelligible, it became abſolutely neceſſary to aſk for further accounts:——It was reported that notwithſtanding the promiſes of the Miniſter, freſh penſions had been granted very lately; this he thought

very blameable, if true; he did not mean to ask for long accounts, he therefore only moved for an account of the pensions and bounties granted by his Majesty since the commencement of the present Parliament in England or Ireland.

Mr. Conolly (who is also a Member of the Irish Parliament) seconded the motion. He observed that Ireland was mentioned in the motion, and as by the sudden prorogation of the Irish Parliament, no measures could there be taken to make such necessary enquiry, he should promote its being taken here; that the pensions on the Irish establishment had amounted in the late King's time, to between forty and fifty thousand pounds a year, and were now increased to upwards of seventy thousand; that the King's ministers in Ireland had given a promise there that no pension should for the future be granted for lives or terms of years but on the utmost necessity, and that in consequence of this promise, the Irish had increased their army at a large expence, and yet the promise of granting no more pensions had been recently violated.

Lord North said there was no reason at present to call for this list of pensions; that he should not have objected if particular pensions had been pointed at, as he would venture to say, none had lately been granted he could not defend; that the pension granted to his friend (Dyson) was no more than a decent provision for an old servant of the Crown, who had long laboured in a painful and not profitable office—his private character unexceptionable; the other pension (viz. Bradshaw) was also granted to one, whose merits richly deserved such recompence; that the Civil List being granted to his Majesty's use, it was not proper to demand any account of the expenditure of it, unless money had been demanded of Parliament to pay any debts on it; and that the present motion was unprecedented, and improper.

Gen. Conway observed, that the present motion was by no means unprecedented, and that it was certainly a proper measure for Parliament, who were the only proper power to enquire into the expenditure of the revenues of the Crown, as no power but that of the House could correct the profuseness of the Crown, and particularly in a part of that profuseness so essential to the well being of the nation as of

pensions,

penſions, which in all times had been applied to increaſe the power of the Miniſter.

Many other gentlemen ſpoke in this debate, their arguments nearly as before. On a diviſion, the Court had 164 to 108.

Friday, April 6. A committee of the Houſe on the bill to regulate the conſequences of expulſions.

Mr. Jenkinſon obſerved, that the firſt clauſe in the bill mentioned a catalogue of crimes for which incapacitation followed expulſion; that this catalogue (conſiſting of felony, blaſphemy by ſtatute, or any crime by ſtatute for which the pillory was the puniſhment) was by no means extenſive enough, as there were many crimes at common law equally infamous with thoſe mentioned, where the pillory, or impriſonment was the puniſhment; that he ſhould therefore move to leave out the crimes puniſhable by ſtatute, and ſubſtitute an amendment "or any perſon being ſentenced to impriſonment for a year, or put in the pillory ſuffering *corporal puniſhment*," but this laſt he afterwards omitted, as burning in the hand for manſlaughter, &c. might be included in it.

This amendment was oppoſed by the oppoſition, as entirely changing the principle on which the bill was brought in; the propoſed deſign of it being to deſcribe a ſet of crimes for which incapacitation ſhould follow; this was done in the bill as brought in, deſcribing every particular crime as made ſo by act of Parliament; but at common law there were many crimes where the puniſhment was arbitrary, as conſpiracy, libels, breaches of the peace, treſpaſſes, &c. that though the heinouſneſs of ſome of them might make incapacitation neceſſary, yet if the bill ſtood in that manner, it would be left in the power of a judge or bench of juſtices, before whom ſuch crimes ſhould be tried, to render ſuch perſon incapable, by changing his ſentence. General Burgoyne, for inſtance, was found guilty of a riot at Preſton, the judge fined him 1000l. he might have impriſoned him for a year, and yet no perſon would ſay the General was not a proper perſon to ſit in the Houſe; that there would be not only a diſcretion left by this means in the power of the judges and juſtices, but alſo in the Houſe, as they might ſtill chooſe whether to expell

or not a perſon ſo convicted; this would leave it doubly in the power of a Miniſter, firſt by his judges, next by his majority in the Houſe, to reject one candidate, or admit another; the offences at common law were ſo various, that no gentleman in the Houſe could ſay he had not, at one time or other, been liable to ſuch ſentence; that the principles of the bill being ſo converted from certainty to uncertainty, the very gentlemen who brought it in with ſo good a deſign as to quiet the diſturbances raiſed by the deciſion of the Houſe on the Middleſex election, muſt give their own votes againſt it; that the bill if thus amended, inſtead of quieting the people, would give them a freſh handle to exclaim againſt the Houſe of Commons, as it would then eſtabliſh by law a moſt exorbitant power, which now was looked on by the people with a jealous eye.

The Miniſtry endeavoured to ſhew that this altercation did by no means alter the principles of the bill; that it only extended the catalogue of crimes further than the bill did; that many crimes being admitted, would render it very incomplete in the execution, and perhaps be attended with loſs of power over its Members to the Houſe; that Mr. Wilkes, (if this bill had exiſted laſt year) would not have been incapacitated, though guilty of ſeditious and blaſphemous libels.

It was anſwered, that it ſeemed as if the incapitation of Mr. Wilkes was the great object the Miniſtry always drove at. It was true Mr. Wilkes would not have been incapacitated, nor could any perſon ſay, that all *ſeditious libellers* ſhould be ſo; that libels were of the greateſt extent, and any perſon might fall under the laſh of the law in that reſpect, with the beſt intention, to defend only the conſtitution; as for inſtance, Sir Richard Steele, who was expelled for writing the *Criſis*, a pamphlet of infinite good conſequence to the Hanoverian ſucceſſion;—would it have been right that he ſhould have been incapacitated?

Lord Barrington approved of the amendment, yet thought, as a bill of this kind would quiet the minds of people out of doors, it ſhould be paſſed in as unanimous a manner as poſſible; that he wiſhed therefore, as the minority ſeemed determined rather to loſe the bill than ſubmit to the alterations, that the Miniſtry would give up the point, as the bill would do

very

very well as propoſed; that ſuch a conceſſion would ſhew the good ſenſe of the miniſtry, who would thereby have the credit of yielding to the good of the nation, in a point which would not reflect any diſhonour on them.

This the Miniſtry ſeemed not much to reliſh; but at laſt Lorth North got up, and argued at firſt for the amendment: he ſaid that this conceſſion would not, he feared, conciliate the people, as there would always be men, whoſe intereſt or diſpoſition would keep them unquiet, and render them ſtill the blowers up of ſedition; that nothing but puniſhment, or want of ſucceſs, would have any effect on them. The former he was averſe to; the latter he hoped would effectually do the buſineſs; however, he would no longer oppoſe the withdrawing the amendment.

[This ſtep ſeemed neceſſary, as he would elſe have moſt probably loſt the queſtion, as ſeveral of the Miniſtry and country gentlemen of that party declared againſt it; and indeed it was the more ſo, as if the queſtion for the amendment had been carried, the law of expulſions would have ſtood on an infinitely worſe miniſterial ground than it ever did before the Middleſex deciſion.]

Monday, April 9. Mr. Trecothick made a motion for leave to bring in a bill to repeal the American duty on tea. The Miniſtry diſputed the propriety of this motion, as being contradictory to a known rule of the Houſe, viz. that any thing which has received a negative, ſhall not be brought on again the ſame ſeſſions; they obſerved, that when a motion was made ſome time ſince, to repeal the other American duties, an amendment had been propoſed, by adding the words, "and on tea;" that on this amendment, the meaſure had been fully debated, and reſolved in the negative by a great majority; that this preſent motion was the ſame queſtion in effect, as it tended to do in a bill, what before was attempted in the amendment.

The oppoſition allowed the rule, yet ſaid, this particular did not come under it; that the reaſon of the rule was plainly, that it might not appear on the journals; that the ſame queſtion had received two different receptions in the ſame ſeſſions: in this caſe, this could not appear, as it might be very improper

per to do that in the former bill, which might now be very neceſſary; that if a negative, put on an amendment, hindered the ſubject of that amendment to be brought on in any other ſhape, it might be very eaſy to prevent almoſt any thing, by adding the matter of it to a money-bill, and then the whole would be rejected, or by rejecting the amendment, the matter be put an end to for the ſeſſions: for inſtance, in the bill for raiſing the land-tax, ſuppoſe a member was to move an amendment, by inſerting the words to the bill, "and on malt," or adding, "and to prevent mutiny," the Houſe could never receive theſe amendments, they muſt be rejected; but would any one ſay, that the malt-tax or mutiny bill could not be brought on that year; that a propoſed amendment had not even the advantage of a previous queſtion, as the Houſe had reſolved that a previous queſtion could not be put on an amendment; that on particular meaſures, the Houſe had even given up its own rule, by admitting very ſmall variations; and that this was as important a queſtion as any could happen to give it up in; that to the province of New-York alone, of ten ſhips which would have carried 300,000l. worth of merchandize, if the American duties had been repealed, three only had ſailed with about 10,000l. worth of goods, and the other ſeven were going out in ballaſt, and it was to be feared the ſame would happen to the whole American trade*. On the diviſion,

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* The following particulars of this debate, have been printed in the public papers.

Mr. Trecothick repreſented to the Houſe of Commons, that the exports to America in 1768, had exceeded thoſe in 1769, upwards of 700,000l. He alſo ventured to aſſert, that unleſs the duties upon tea were repealed, the exports of this year would fall conſiderably ſhort of thoſe of the laſt year. It likewiſe appeared, that out of twelve ſhips lately in the port of London, and bound to New-York, only three ſailed; and that the whole amount of the three cargoes did not exceed 10,000l. that the ſeven other ſhips were now ſailing with the bed of the river Thames for their cargoes, being laden with ballaſt only.

Mr.

diviſion, the queſtion to go into the *other* orders of the day, (propoſed by Lord Clare) was carried 80 to 52.

Tueſday, April 10. The Houſe received the report of the committee on Sir John Fielding's plan, for preventing houſe-breakings, &c. One of the reſolutions was, to make a receiver of ſtolen goods, a principal, whereas at preſent he is only an acceſſary. Several gentlemen ſpoke againſt this encreaſing our capital penal laws, already much too bloody; that the receiver was indeed as bad, or perhaps worſe than the thief, yet it ſhould be conſidered, whether the preſent laws were not too cruel on the latter; and whether it would not be firſt better to determine, whether it would not be a better ſtep to reduce this puniſhment, than to encreaſe that of the receivers. However, on the diviſion, it was agreed 48 to 19.

[We fear, that moſt of our capital puniſhments are too ſevere; and queſtion whether ſociety ought to take away the life of any man, for any leſs crime than murder or capital treaſon. Puniſhments ſeem originally to have been founded on the *lex talionis*; but after the inſtitution of civilized ſocieties, that law was taken out of the hands of individuals, and put into that of the people at large, or their magiſtrates. In this ſtate, the *lex talionis*, in ſome meaſure, was put an end to, and puniſhments

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Mr. Trecothick aſſured the Houſe, that if the differences which unhappily ſubſiſted between the mother country, and the colonies had been amicably ſettled, the cargoes of theſe ten ſhips would have amounted to at leaſt 300,000l. Thus are ſubſtantial benefits loſt to this country, merely to retain a paltry preamble to an act of Parliament, the act itſelf being repealed. Wiſe miniſters indeed!

The Lord Mayor, upon Mr. Trecothick's motion, ſaid, that if the Houſe were of opinion, that it could not, conſiſtent with their rules and orders, be then admitted, that he hoped Lord North would allow of a prorogation of the Parliament till after the holidays, that the matter might then be taken into conſideration. To which Lord North ſneeringly anſwered, he was very glad to find that a prorogation would content the honourable gentleman.

puniſhments for crimes againſt individuals, being looked upon as crimes againſt the whole ſociety, were puniſhed by that ſociety in ſuch manner as was thought moſt adequate to prevent thoſe crimes in others. From that time puniſhments encreaſed to an exceſſive height. Every legiſlature condemned crimes, more particularly detrimental to the ſituation of their reſpective countries, with greater ſeverity; and as freſh crimes aroſe, freſh laws enſued. In England this has been more particularly the caſe. Some gentlemen having found a particular inconvenience from ſome particular crime, have come to Parliament, and got that made capital. Others have done the ſame, arguing for every freſh crime which they wanted to make capital, that ſuch a crime had been made capital, which was not ſo bad as the preſent. By theſe means it has happened, that in England, our penal laws are the moſt bloody of any country in Europe, and it ſeems highly neceſſary to reviſe the whole.]

Sir G. Savile ſpoke very well upon this ſubject, offering and wiſhing for a committee upon this head, who ſhould reviſe all the penal ſtatutes, and reduce them into a regular ſyſtem, in which the puniſhments ſhould be more adequate to the crimes.

Another of the reſolutions was, that the tranſported convicts ſhould be ſent to Africa or the Eaſt Indies, inſtead of North America.

Several objections were made to this, firſt, that ſending them to theſe climates was, in other words, ordering them to death. 2dly, That unleſs the African and Eaſt India Companies were ordered to take them, and pay for their paſſage, it would be impoſſible to get them there, as at preſent the expence of ſending them was paid by the convicts themſelves; and in caſe the convict could not pay it, the maſter of the ſhip who carried them, had a right by the laws of the plantations, to ſell them for the time the law condemned them. Whereas it was not worth the while of the India Company to purchaſe them at ſo high a rate, unleſs for ſoldiers, and in that caſe they were at preſent permitted to take them. Thirdly, If ſent to Africa, it was to be feared, that filling thoſe forts with inhabitants of this nature, great danger might accrue to thoſe ſettlements, as the neighbouring negroes, always ready to deſtroy thoſe forts, and being joined by theſe deſperadoes,

radoes, might ſeize them, and which at preſent they were with difficulty reſtrained from. For theſe reaſons this reſolution was poſtponed.

Another reſolution was, that *ballad-ſingers* were a great cauſe of the increaſe of robbers, by drawing crowds about them of idle people, to the encouragement of pickpockets, &c.

This was ſo ridiculous, that the clerk could not read it for laughing; indeed the whole Houſe joined him, and after ſome droll defence of them, as *itinerant muſes*, &c. the reſolution was poſtponed.

Wedneſday, April 11. The Houſe in a committee, on renewing the bounties on the exportation of brown and white linens.

About fifteen years ago, a duty was laid on foreign linens imported into Great Britain, and a drawback of the whole duty allowed on re-exportation of them. This would have acted as a prohibition on the Scotch and Iriſh linens, and therefore a bounty was given on exporting them of one halfpenny a yard, to continue for fifteen years, and now was near expiring.

The effect this bounty had, was ſuch an encouragement on thoſe manufactories, that they increaſed exceedingly; but at the ſame time a bounty not having been given on the exportation of ſtriped and checked linens, that manufactory decreaſed every year, as the demand for them in the Weſt Indies was put an end to by the greater uſe of coarſe white and brown linens, which were ſold cheaper on account of the bounty.

The manufacturers, therefore, of the ſtriped and checked linens, applied to Parliament, that if the bounty was given to the whites and browns, it ſhould alſo be extended to the ſtriped and checked linens, or that the bounty ſhould be taken off all, to make the whole on a footing.

The Iriſh oppoſed taking off the bounty entirely, as it would ruin their manufactory, for which the bounty was looked on as a purchaſe, to keep them clear of the cloth manufactory. The Scotch alſo oppoſed it, as, if it was taken off, it would enable foreigners to underſell us in the American markets; therefore, as it certainly was reaſonable, that our own manu-

factories ſhould be on a footing with the Scotch and Iriſh, the committee reſolved, that a bounty ſhould be granted on the ſtriped and checked linens, as well as on the whites and browns.

Thurſday, April 12. The King went to the Houſe to paſs bills, and the Houſe adjourned to the 24th.

To the EDITOR *of the* LONDON MUSEUM.

SIR, *Dublin, April* 3, 1770.

THE following extraordinary Proteſt of the Lords of Ireland (which was never before printed) is of a nature too valuable to be loſt, and therefore I have ſent it you to be preſerved among the other intereſting papers in your uſeful collection.

I am your friend, &c. &c.

Die Martis 5° *du Decembris*, 1769°.

THE following reſolutions being propoſed, that by an act of Parliament the 10th of Henry VII. it is enacted, that all judicial officers ſhall hold their places during pleaſure, That the Chancellor of the Exchequer is a judicial officer.

That an humble addreſs be preſented to his Majeſty beſeeching him to give orders to his Attorney-General to iſſue a *ſcire facias* againſt a patent by which the preſent Chancellor of the Exchequer is to hold the ſame during life.

That by an act of Parliament the 10th of Henry VII. it is enacted that all Judicial Officers ſhall hold their places during pleaſure. And that it appears, that the Clerk, or Maſter of the Rolls, is expreſsly enumerated in the act as a Judicial Officer.

That an humble addreſs be preſented to his Majeſty, beſeeching him to give orders to his Attorney-General to iſſue a *ſcire facias* againſt a patent by which the office of Clerk, or Maſter of the Rolls, has paſſed to the Right Honourable Richard Rigby, Eſq; for life.

A

A motion being made to adjourn the conſideration of the ſaid reſolutions till the 1ſt of Auguſt,

And a debate ariſing thereupon, the queſtion was put, and the Houſe divided.

The Lord Viſc. Clare reported, that the Contents below the bar were 22, and the Not Contents in the Houſe were 9.

It was reſolved in the affirmative.

A motion being made that the following queries be referred to the Judges;

Whether the Chancellor of the Exchequer be a Judicial Officer immemorially in both kingdoms.—Whether it is enacted by the 10th of Henry VII. that all judicial officers ſhall hold their places during pleaſure.—Whether a patent under which the office of Chancellor of the Exchequer has paſſed for life to the preſent Chancellor be legal;

And a debate ariſing thereupon, the queſtion was put and the Houſe divided.

The Earl of Laneſborough reported, that the Contents below the bar were 5, and the Not Contents in the Houſe were 24.

It paſſed in the negative.

A motion being made that the following queries be referred to the Judges;

Whether the Maſter of the Rolls be a Judge in England immemorially.—Whether the 3d of George II. is not declaratory of the common law.—Whether if he is a Judge at common law in England, he is not alſo a Judge here.—Whether by the 10th of Henry VII. it is not enacted that all Judicial Officers ſhall be only during pleaſure.—Whether, in that act of Parliament, he is not expreſsly the Clerk, or Maſter of the Rolls, is not enumerated expreſsly as a Judicial Officer.—Whether a patent under which that office paſſed to the Right Honourable Richard Rigby for life be legal.

It paſſed in the negative.

Diſſentient,

1. Becauſe we conceive that it is in the higheſt degree inexpedient to procraſtinate the conſideration of a meaſure, the

high importance and the propriety of which appears to us to be clearly evident, for theſe following reaſons:

2. Becauſe it is enacted by an act of Parliament, of the 10th of Henry VII. in the following words; "Item, praying the "Commons, that in conſideration of the great and manifold "inconveniencies that late were attempted there contrary to "all natural allegiance, to the King's grievous diſpleaſure, "by the procurement, counſel, and exhortation of ſuch "officers, as late had adminiſtration of juſtice, under the "King, in that land, and ſuch as were officers accomptants, "and had their offices granted unto them by patent for term of "life, by reaſon whereof they were the more bolder to miſuſe "their ſuch authority: thereſore be it ordained, enacted, and "eſtabliſhed by the authority of this preſent Parliament, "that from this time forward no manner of perſon or per-"ſons that ſhall have miniſtration of juſtice, that is for to ſay, "the Chancellor, the Treaſurer, Judges of the King's Bench, "and Common Pleas, the Chief and Secondary Baron of "the Exchequer, the Clerk or the Maſter of the Rolls, "and all manner of Officers Accomptants, have any autho-"rity by patent in their ſuch offices, but only at the King's "will and pleaſure: And if any grant afore this time, or here-"after be made, of any of the ſaid offices, unto any perſon or "perſons there, contrary to the premiſes, the ſame to be "deemed void and of none effect in the law; and by the ſame "authority all and every manner act or acts, before this "time made to the contrary hereof, to be revoked and deemed "void and of none effect in the law."

3. Becauſe we conceive that the Chancellor of the Exchequer is meant by the word in the act, and not the Lord High Chancellor, for the following reaſons, becauſe it would be needleſs to ordain that by ſtatute which obtained by cuſtom before: And the hiſtory of thoſe times informs us that Alexander Plunket was made Chancellor in the year 1492, by the Duke of Bedford, Lord Lieutenant of Ireland: And becauſe that in the ſubſequent ſeſſion in the year 1494, he was removed from his office by Sir Edward Poynings, the author of this law, and the ſeals were given to the Prior of Lanthony, vid. Liſt of Iriſh Chancellors, by Sir J. Ware, 2d vol.

2d vol. 109. though he had been appointed by the Engliſh intereſt, and though no crime or miſbehaviour was alledged againſt him, becauſe this clearly evinces that the ſeals were granted during pleaſure in the times immediately preceding this law, and conſequently an ordinance for that purpoſe would be needleſs.

4. Becauſe we conceive that the Chancellor of the Exchequer is virtually compriſed under the general words in the ſtatute Officers Accomptants, as a principal revenue officer.

5. Becauſe, admitting that he did not come under the enumerative words of the ſtatute, he certainly is comprehended under the general words, Adminiſtration of juſtice, as a Judicial Officer, and conſequently his patent for life is void.

6. Becauſe Sir Edward Coke founds the Court of Equity in the Exchequer, upon the office of Chancellor of the Exchequer, in theſe words; "Hereupon it is collected, that "ſeeing there has been, time out of mind, a Chancellor of "the Exchequer, it follows, that there ſhould alſo be in the "Exchequer a Court of Equity." 4th Inſtitute, 119.

7. Becauſe it appears that this office has been granted in England immemorially during pleaſure. That the patents during the reigns of Edward I. and II. were at will, vid. Madox's Hiſtory of the Exchequer, 51. and that John Deſandale acted there as a Judge at that time. And becauſe, by an act of Parliament of the 10th of Henry VII. chap. 22. all the Engliſh laws and cuſtums previous to that period are made of force in Ireland.

8. Becauſe the Chancellor of the Exchequer has always been eſteemed a Judicial Officer, and all bills on the Equity ſide, ſhould be directed to the Chancellor, Treaſurer, and Barons of the Exchequer; and it was affirmed by the Lords of Ireland, in the great cauſe of Sherlock and Anneſley, upon the depoſition of Daniel Redding, Eſq; Deputy Remembrancer, ſworn at the bar, that all bills or orders on the Equity ſide, ſhould be directed to the Chancellor, Treaſurer, and Barons of the Exchequer; if otherwiſe directed, that it would be error, and that the Barons of the Exchequer were not warranted in obeying an injuction directed only to them, and in making uſe of the names of the Chancellor and Treaſurer

Treaſurer of the Exchequer, vid. State Trials, vol. 6. p. 190 and 191. and Lords Journal of the 28th of July 1719, p. 319 and 483.

9. Becauſe it has been cuſtomary for the Chancellor of the Exchequer to preſide at the commencement of the term: And becauſe a gentleman lately poſſeſſed of that office preſided to the great eaſe and benefit of the ſuitors in that Court: And becauſe the abſence and neglect of the firſt officer of the Exchequer is a great loſs to all the people of Ireland.

10. Becauſe that the Maſter of the Rolls being expreſsly enumerated as a Judicial Officer in the act of Parliament, we conceive that the patent by which that office paſſed to Richard Rigby, Eſq; for life is void.

11. Becauſe it appears that the Maſter of the Rolls is a Judicial Officer immemorially in both kingdoms: becauſe though it was diſputed formerly in England, whether he derived his power of hearing and determining cauſes in the abſence of the Chancellor, from preſcription or from ſpecial commiſſion, the 3d of George II. chap. 30. to quiet thoſe queſtions, ratifies all decrees made by him or his predeceſſors, in the abſence of the Chancellor, and declares that he has been a Judicial Officer time immemorial, becauſe if he is a Judge at common law in England, he is alſo a Judge here by the 10th of Henry VII.

12. Becauſe Sir Edward Coke expreſsly ſays, "That in "the abſence of the Chancellor he heareth cauſes, and giveth "orders." 4th Inſtitute, p. 97. Becauſe his opinion in this reſpect has the greateſt weight, as not likely to enlarge an equitable juriſdiction.

13. Becauſe no reaſon can be originally aſſigned for the ſeparation of the judicial and miniſterial power of this Officer: And becauſe that the Clerk, or Maſter of the Rolls, are ſynonymous terms, reſulting from this circumſtance, that it was antiently the cuſtom to appoint the Firſt Clerk, or Maſter in Chancery, Maſter of the Rolls.

14. Becauſe though the adminiſtration of juſtice be expreſsly excepted in the patent, we conceive that the Crown cannot ſever the judicial from the miniſterial power of an office;

office ; ſince, if it can do it in the caſe of one, it can do it in any office where they have been united.

15. Becauſe the reſidence of this officer was eſteemed neceſſary formerly, ſeeing that one Henington, a Maſter in Chancery, in England, about the time of Edward III. reſided here as Maſter of the Rolls, and was allowed to hold his place as Maſter in Chancery in England, by deputy.

16. Becauſe it appears that Chriſtopher Wandesford, Eſq; Maſter of the Rolls, attended the Houſe as a Judge, and that he read the Lord Deputy Wentworth's commiſſion for holding a Parliament in the year 1634, by his order ſtanding by the woolſack among the Judges. Lords Journal, 1634—8.

17. Becauſe it appears that a petition was preſented to his Majeſty, King Charles I. in the year 1640, by the Lords of Ireland ; repreſenting that " the Maſter of the Rolls was a " Councellor of State, an officer of great truſt and conſe- " quence, to give advice to the Council Board and in the " Court of Chancery, and praying him that that office might " not be granted to any one who *had not ſufficient eſtate in* " *this country, and who had not experience, quality, or reputation* " *in the Common-wealth, ſufficient to diſcharge the ſaid truſt* " *faithfully, nor to anſwer for any miſdemeanors that may be* " *committed in the undue execution of the ſaid place.* Lords " Journal, 1639—411."

18. Becauſe that this diſadvantage attends granting judicial officers for life, that age or infirmity may diſqualify them for their offices.

19. Becauſe though this office has frequently been granted for life, ſince the 10th of Henry VII. yet no inference can be drawn from thence, as cuſtom cannot be pleaded againſt an act of Parliament. 1ſt Inſtitute 115.

20. Becauſe we humbly conceive that judicial officers ſhould be ſelected from men of *knowledge* and of the *profeſſion* of the law.

21. Becauſe a legal diſquiſition of this ſubject was ſtudiouſly avoided in the debate, and becauſe that a reference to the Judges was denied, upon a preſumption that this enquiry might come before them in another capacity ; an objection that would operate equally well in every other caſe, ſince there

is

is no legal point which may not be cognizable in their reſpective Courts.

22. Becauſe we conceive that the abſence of theſe two great Judicial Officers is a heavy grievance to this country, creating an accumulation of buſineſs in the Chancery, defering ſuits for want of an aſſiſtant, in caſe of the abſence or indiſpoſition of the Chancellor: For theſe reaſons we have thought it our duty to tranſmit reaſons, which to us appear irrefragable, to the unerring judgment of the publick and of poſterity, and to exempt ourſelves in the minds of thinking men, both here and in another kingdom, from that obliquy which falls upon the Legiſlature of this country, for their acquieſcence under the evident violation of the expreſs words of an act of Parliament.

MOUNTMORRES,
MOIRA,
CHARLEMONT,
LOUTH,
POWERSCOURT,
SOUTHWELL,
LONGFORD,
LISLE.

For the LONDON MUSEUM.

An Account of the Life *and* Genius *of Mr.* Charles Macklin, *Comedian.*

MR. Macklin is a native of Ireland, and comes from the county of Weſtmeath. His original name is ſaid to be *M'Laughlin*, but finding this rather difficult to be expreſſed by an Engliſh tongue, he, on his firſt coming on the ſtage, angliciſed it to that of Macklin, by which he has ever ſince been known.—A ſtory is told of him, on this account, that an Iriſh acquaintance, calling on him one morning, and enquiring for him by the name of *M'Laughlin*, the landlady told him he was miſtaken, for no ſuch perſon lodged there; but Macklin overhearing the converſation, ran down ſtairs, and acknowledged his old friend. This tranſaction appearing ſomewhat

ſomewhat odd, ſhe next morning acquainted her lodger, that ſhe would no longer harbour a man who went by two names, but he ſoon ſatisfied her by laughing it off, and telling her, that *M'Laughlin* was the Iriſh manner of pronouncing *Macklin*.

His merit as an actor, entitles him to rank in the firſt forum, his *Sir Gilbert Wrangle*, *Don Manuel*, *Sir Archy M'Sarcaſm*, and *Iago*, are convincing evidences of this; but the part he has ever been allowed to ſhine in, without a competitor, is that of *Shylock*, in the *Merchant of Venice*. *Quin*'s blunt compliment paid him on this occaſion, "if G——d writes a legible hand, that fellow's a villain,"——with that other well known ſhort eulogium,

This is the Jew
That Shakeſpeare drew,

have ſo confirmed Mr. Macklin's reputation in this character, that though allowed excellent in many, he has been always looked upon unrivalled in this. Beſide his merits as an actor, he has been conſidered as a good theatrical preceptor; and being, ever, a man of ſtrong obſervation, he has uſed it fortunately in this purſuit; and indeed the ſucceſs Miſs Macklin has met with, ſeems a corroborating proof of it, as, it is ſaid, ſhe ſtands indebted to the inſtruction of her father (in oppoſition to inclination) for that theatrical propriety which has ſo deſervedly gained her the favour of the town.

As a writer, though he has been author of many pieces, two only (*Love-à-la-Mode*, and *The True-born Iriſhman*) have outlived the period of their repreſentation, ſaid to be owing, in a great reſpect, to the violence of party: even the laſt of theſe, ceaſes to be repreſented in this kingdom, though acted with great ſucceſs in Ireland; nor is it to be wondered at, why it ſhould not be palatable to an Engliſh audience, for though it abounds with great humour and obſervation, the ridicule is *local*, and the dialogue, for the moſt part, *national*: the former, *Love-à-la-Mode*, has been always well received here; and as he has never printed it, it has, from time to time, brought him great emolument, being paid as an author out of the profits of the night.

Though this piece does not want character and ſatire, yet it muſt be obſerved, his partiality for his country has tranſported him a little from the ſtrictneſs of the Drama; for, out of four lovers, who are addreſſing a young lady of fortune, he makes an Iriſh officer the only one that is diſintereſted.—A character ſo widely different, from what experience has, in general, fixed on the gentlemen of that kingdom, that although there are undoubtedly many amongſt them poſſeſſed of minds capable of great honour, and generoſity, yet this *excluſive* compliment to them, in oppoſition to received opinion, ſeems to convey a degree of prejudice, which, as a dramatic writer, and a countryman, he ſhould be ſtudious to avoid. The character, abſtracted from this, along with the three others, are, however, admirably drawn, but the cataſtrophe is borrowed from Theo. Cibber's Comedy of the *Lover*, and the Iriſhman bears too great a reſemblance to Mr. Sheridan's Captain O Blunder, to entitle its being looked on as an entire original.

What is very extraordinary, and reflects no inconſiderable degree of honour on Mr. Macklin's genius, is a circumſtance that is told of him with great credibility; which is, that he was *thirty-five* years of age before he could either *write* or read. The late ingenious Mr. D. Hayes aſſerts this for a fact in his poem called the *Authors*, and quotes George Colman, Eſq; one of the preſent patentees of Covent-Garden, for aſſerting him to be *forty*. To arrive at ſuch an advanced age of life, as either of theſe periods mentioned, muſt make it very wonderful, how he could ever become proficient enough in either, to fit him for the ordinary courſe of buſineſs; but when we conſider him, though ſo late, arriving to the character of a writer of ſome conſequence, it is a phænomenon only to be accounted for by an uncommon ſtrength of natural genius, aſſiſted by unwearied application.

Mr. Macklin has, for ſome years, withdrawn himſelf from the ſtage, excepting, annually, on his daughter's benefit, when he generally performs his favourite piece of *Love-à-la-mode*. He has very judiciouſly followed that great ornament of his profeſſion, Shakeſpeare's advice, in "taking the current while it ſerved,"—and now lives in that ſtate of eaſe and independency which his years and ſervices might reaſonably expect.

For

For the LONDON MUSEUM.

An Eſſay on the Taſte, Manners, *and* Sentiments *of the* Times.

'We owe every bleſſing of our conſtitution to the Iron 'Lords of old, and not to the Silken Ones of the pre-'ſent age.' *Lord Chatham's Speech.*

COMPARISONS with antiquity are generally the firſt objects of all writers who treat of the hiſtory of the preſent period, in any country whatever. The riſe and fall of the Grecian and Roman common-wealths, afford an inexhauſtible fund of parallels for the ſtate, whatever at the moment of writing it may be, of any nation on the globe, whether conſidered poſitively at that moment in itſelf, or relatively to its circumſtances at any paſt period of time, or comparatively with the ſtate of other nations which ſurround it. Our neareſt neighbours the French are the people amongſt the moderns with whom the inhabitants of this iſland have been moſt uſually compared and contraſted. Nor can it be wondered at, ſo obvious is the choice. That two nations, ſcarce ſeven leagues diſtant from each other, engaged in ſo conſtant a mutual intercourſe, whether amicable or hoſtile, ſhould differ ſo radically in point of principles, manners, ſentiments, and taſte, as well as even in countenances, features, and perſons, in every thing that collectively marks the genius of the nation, or individually the character of the man, muſt be always, ſo long as ſuch diſtinctions remain, a ſubject of moſt ſeriouſly attentive diſquiſition, curious as to its cauſes, important as to its effects. If we look regularly back into the authors of our country, who have either profeſſedly treated, or occaſionally glanced on this ſubject, we ſhall find them uniformly in every age expreſſing the moſt diſmal apprehenſions that this conſtant intercourſe would in the end prove fatal to England, and that an adoption of the French language and imitation of the French manners, muſt pave the way for our at laſt becoming a province to France. Yet theſe ill-omened predictions ſtill remain to be verified. England is at this moment at leaſt as independent of her haughty neighbours as ever: and though within theſe eight

centuries there has been at two ſeveral times a complete and total blending of the two nations, firſt by the deluge of Normans poured in upon us by the Conqueror, and afterwards by the conqueſt of France by our fifth Henry, ſtill the different characteriſtics of the people remain as legible in their faces and minds as before. As two rivers ſwoln with rains may for a while blend their waters, and roll in one common torrent to the ſea; but when the flood has ſubſided, each reſumes its proper channel, and glides ſmoothly on in its natural courſe. Obſerve that I have ſaid the characteriſtics of the *people*, in which word I by no means intend to include every ſingle individual of the community. Moſt of our travelled gentry I except, as well as their ſervile imitators, many frenchified Engliſhmen who have never been at Paris; and I will add the whole Court. In this age of *politeſſe*, all courts, at leaſt all in chriſtendom, are very nearly alike: but the influence of their *manners* extends not many paces beyond their verge—though their *principles*, I much fear, are not confined within the limits of ſuch a narrow compaſs. But *principles* are not now the object of my conſideration: and if they were, I believe, all their ſpecious variety might be eaſily reducible to one ſingle point.

If we look back to antient times, we ſhall find the ſtrongeſt reſemblances of the genius and manners of the French in ſome of the Grecian republicks, and of thoſe of our own countrymen in that of Old Rome. The ſame ſpirit of levity, elegance, and gaiety, which enlivened the natives of Athens above two thouſand years ago, ſeems now to have tranſmigrated into the heads, and hearts, and let me not omit the heels of the French. The ſame ſolidity of thought, ſeverity of attention, and firmneſs of perſeverance, ſo nobly conſpicuous in the Roman character, ſeem now, and indeed as far as authentic records can carry us back, to have taken up their reſidence in this our free iſland. I would compare the one ſpirit to liquid, the other to ſolid fire: the one to an Aurora Borealis, the other to the Sun. It is well known that the light and flaſhy, though brilliant valour of Greece, was in proceſs of time ſubdued by the ſteady, unyielding, indomitable conſtancy of Rome, who never received a blow without immediately collecting and confirming her native ſtrength,

ſo as by a happy elaſticity to recoil upon her adverſary, and riſe ſuperior at the very moment that menaced inſtant deſtruction. Horace's beautiful lines afford the beſt deſcription of this ſtriking, or, as it may well be called, this *vital* part of the Roman character.

Duris ut ilex tonſa bipennibus
Nigræ feraci frondis in Algido,
Per damna, per cædes, ab ipſo
Ducit opes animumque ferro.
Non Hydra ſecto corpore firmior
Vincì dolentem crevit in Herculem;
Monſtrumve ſummiſere Colchi
Majus, Echioniæve Thebæ.
Merſes profundo, pulchrior evenit:
Luctere, multa proruet integrum
Cum laude Victorem, geretque
Prælia conjugibus loquenda.

This *vivifying* characteriſtic is happily applicable to our country, whoſe conſtitution has been often improved, and power enlarged, by ſtorms that threatened her with ſudden ruin. I often therefore wonder at the apprehenſions of ſome of our philoſophical anceſtors, more eſpecially when I recollect that Greek cuſtoms and manners grew as much into faſhion amongſt the nobility and their followers at Rome, as the French have done amongſt our *beau monde*. Inſtead of our dreading, therefore, to be ſwallowed up by France, if any conjectural concluſion may be drawn from this parallel, France ought rather to tremble leſt ſhe ſhould one day be compelled to bow to the Britiſh yoke.

I have already remarked, that however particular circumſtances at ſeveral times have intermixed, and almoſt totally confounded the French and Engliſh together, yet that confuſion once over, and a quiet ſettlement of either nation reſpectively eſtabliſhed, the former diſtinctions of manners have ſtill been found prevalent, the inhabitants of our iſland, notwithſtanding ſuch mixture, have preſerved their characteriſtics, as have alſo the inhabitants of the neighbouring continent theirs. One is led from hence to conclude, that the ſoil, or climate, or both, have a much greater ſhare in forming the

the manners of the people of any country, than the blood which they derive from the loins of their anceſtors. To ſtrengthen this concluſion, it is obſerved by travellers, that the inhabitants of Greece at this day, after all the variety of revolutions which that country has undergone, are, though galled by the fetters of Mahometan ſlavery, the ſame gay, lively, ſprightly people with the Grecians of paſt ages. It may be objected that no veſtiges of the Old Romans are to be traced, except by their monuments, in modern Italy. Readily granted—But is it not equally certain that the climate too is (no matter from what cauſe) in as great a degree changed? Where is now to be found, ten miles ſouth of the Alps, even in the midſt of the ſharpeſt winter, that numbing ſnow and hail, which made Horace ſhiver while he was deſcribing it, and converted his verſes into ſo many icicles? How long ſince have we heard of the river Tiber being frozen over?—*Animum æque ac Cælum Romani mutaverunt.*

The climate of our iſland, as well as its ſoil, we may collect from the hiſtories of it in all paſt ages, has always remained the ſame: and though it wants the ſerenity and fineneſs of French air, its variableneſs is wholeſome to ſound conſtitutions, ſuch as we are generally bleſſed with; and its ſudden and boiſterous changes inure us to hardineſs, and ſeem calculated to form us for that univerſal commerce with all extremes of the globe, which we have happily acquired, and are ſo zealous to maintain.

Far then from being apprehenſive leſt the infection of French manners ſhould ſo *galliciſe* us at laſt as to make us dwindle by degrees into a province of France, I hold it abſolutely impoſſible, were it a point ever ſo deſirable, that we ſhould be ſucceſsful imitators of them; and as it is a point confeſſedly rather to be dreaded than deſired, I rejoice in the idea of that impoſſibility. The few amongſt us who attempt it (for there always have been, and always will be, puppies amongſt us fooliſh and vain enough to attempt it) what do they gain by their weak and frivolous affectation? What but the contempt and ridicule of all the men, and even of every woman of tollerable underſtanding? The *degagé* air, and *je ne ſçais quoi* flutter, are perfectly natural to, and becoming in a Frenchman, who would be ridiculous were he to affect a ſolidity of thought, and

gravity

gravity of demeanour. But nature, however bountiful to us in more capital matters, has certainly not endowed us with ſuch pliabilities. An Engliſhman aping the French foppery of addreſs never fails to remind us of the fable of the Aſs, who obſerving the pleaſure his maſter took in the fawning playfulneſs of the ſpaniel, and how lovingly he careſſed him for that happy talent, muſt needs endeavour to throw his own uncouth figure into the like gameſome attitudes, and aukwardly leaping up to paw him with his hoofs, got himſelf moſt deſervedly well cudgelled for his pains.

Thus though nature has ſo moulded us, as to render it utterly impoſſible for our moſt aſſiduous and ardent endeavours in purſuit of French airineſs to be crowned with ſucceſs, though our minds and bodies are both too ſolid to be raiſed even to a flutter when winged with all the feathers we can borrow from our neighbours, and the foreign plumes ſerve only to make us prepoſterouſly ridiculous, every human creature immediately detecting the cheat, ſeeing how ill they become us, and to whom they properly belong; yet in ſlaviſhly proſtituting ourſelves to manners which we were born ſuperior to, we may eſſentially hurt, if not temporally deſtroy our own. I ſpeak but of the preſent time, for I have no doubt but, however we, the Britons of this day, may ſhamefully diſhonour the good gifts of nature, by caſting them away in a vain attempt to acquire others of leſs value, the ſame cauſes, which beſtowed them on us and on our anceſtors, would revive them again as the fair inheritance of our poſterity. But each man individually for himſelf may forfeit them: and ſorry am I to ſee ſo many of my countrymen appear to be actuated by ſo baſe a deſire.

It is ſaid, (I have not had an opportunity to obſerve how juſtly) that our continental neighbours are beginning to return us the compliment, and that *puppyiſm* in France now conſiſts in a grave ſolemnity of deportment, and a brow contracted with the affectation of deep thought, in a paucity of words, and the few that are ſpoken delivered with a ſlow and deliberate emphaſis. Affectation equally abſurd and prepoſterous! As far wide of the true line of nature, that is, of rectitude, as our own. But mankind have in all ages been induſtrious in oppoſing nature, in various inſtances, according to the whim of

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the day. Horace exhibits the following picture of this *mania* his cotemporaries.

——————Laudas, inſane, trilibrem
Mullum: in ſingula quem minuas pulmenta neceſſe eſt.
Ducit te ſpecies, video. Quo pertinet ergo
Proceros odiſſe lupos? Quia ſcilicet illis
Majorem natura modum dedit, his breve pondus.

"Thou, nature, art my goddeſs:" never yet have thy laws been violated with impunity. Improvement thou mayeſt well receive, and kindly aideſt thy worſhippers in their labours to attain it. The beſt and moſt grateful homage that can be paid thee is to contemplate, to cheriſh, to adorn thy beauties. Woe be to the rebellious wretch who ſhall dare to raiſe his impious hand for one moment againſt thee! Treble woe to him who ſhall ſtrive to puſh thee from thy throne!

Mankind, with their wonted conſiſtency, at the ſame time that nationally, as well as individually, they have been guilty of the moſt violent and unpardonable inſurrections againſt nature, have yet agreed in every language to make that term which anſwers to our Engliſh word "unnatural," a conveyance for the moſt ſavage, barbarous, inhuman ideas. We readily feel that to expreſs our abhorrence of the worſt crime, we cannot make uſe of a more forcible term.

Let us not then, my good, brave, and ſenſible countrymen, incur the odium, the ſhame, the criminality, and the diſcomfiture, neceſſarily attendant upon ſo foul a revolt. Let us fling away all the foppery of taſte, manners, and ſentiment which has been ſmuggled in upon us of late, and which becomes us ſo ill. Let us break the bubble of that quinteſſence of refined hypocriſy, which, under the unmeaning name of *bonton*, freezes up every generous, warm feeling of the heart, arreſts every ſpring of benevolent action, and gives nothing in lieu but a mere jargon of ſounds, a ſtring of impotent plauſibilities, called ſentiments, learned by rote; thus making virtue, as ſome antient falſe philoſophers held, indeed to conſiſt in nothing but words.

Ever ſince we have tolerated this reptile ſect of *bontoniſts*, who, I fear, have made too many proſelytes amongſt us, our feelings, our taſte, and our judgment ſeem to be quite inverted.

And

And ſo rapid has been the progreſs of this mock-reformation that, were it to proceed in the ſame proportion, I doubt much in ten years whether any *thing* or *idea* would be known by its true name. Our forefathers uſed to go to a comedy to laugh, or to a tragedy to indulge the tender ſenſations of the ſoul. We go to a comedy (I will not ſay to *weep*, for that word has no meaning in the *bontoniſh* vocabulary) but to attend the *unbudgeting* of a vile heap of ſentimental ſtuff, which has been hackneyed from novel to novel for time immemorial through every circulating library in town. And if a ſcene really laughable ſhould chance to make its appearance, the play bids fair for inſtant damnation. To a tragedy we go to yawn, and look exceedingly ſtupid, with a violent propenſity to titter at any ludicrous incident, though ever ſo trifling, that may happen during the repreſentation, either in the houſe or ſtage. Our puppetſhews, I am told, are grown very ſerious and rational pieces of entertainment; and nothing like the humour of the old puppetſhew is now to be met with any where, except every night in the week at one or both of the Theatres.

Without ceremony I ſhall now take my leave of *bontoniſm*, devoutly wiſhing it a ſpeedy annihilation, as a moſt pernicious exotic, infectious to our ſoil. Where it firſt ſprung up, and where it ſtill takes deepeſt root, *Belialiſm* is its name: and there it is as nearly allied to ſentimentaliſm as here. But "All," as Milton ſays, "is falſe and hollow." When Addiſon's Cato was firſt acted, the glorious ſentiments of liberty which it breathes were received with ſuch tranſport by ſucceſſive crowded audiences, and raiſed ſuch a ſpirit of freedom among the people, that the Tory Miniſtry of that day were alarmed for the conſequences. What ſtep did they take as moſt effectual to rid them of their increaſing apprehenſions? Why, Oxford and Bolingbroke went to the play, placed themſelves in the moſt conſpicuous part of the houſe, encored every patriotic ſpeech, huzzaed at the cloſe of each act, and enthuſiaſtically gave the loudeſt applauſes with their hands to thoſe ſentiments which they utterly deteſted in their hearts.

ÆNOBARBUS.

To the EDITOR *of the* LONDON MUSEUM.

SIR,

THE following ſenſible paper was lately publiſhed at Philadelphia, and if you think it worth a place in your Muſeum, it is at your ſervice.

O. P.

IN the purſuit of all political meaſures, if we are not cautious in preſerving the *appearance* of liberty, we may ſenſibly loſe the *reality* itſelf. As men attentive to our own particular intereſts, we cannot but diſcover the many advantages which the coloniſts would neceſſarily have over their brethren of Britain, in the courſe of a *free, uninterupted commerce*; but, as men of reaſon and integrity, we do not indulge a wiſh to enjoy theſe advantages at the expence of our fellow ſubjects. We ſhall ever readily ſubſcribe to ſuch commercial regulations as may enable the inhabitants of Great-Britain and Ireland to meet us at all foreign markets upon an *equal footing*.

The boldeſt advocates for the power of Parliament, cannot, at this day, without bluſhing, aſſert, that it is ſovereign and ſupreme *in every reſpect whatſoever*. That great man, who is, beyond all contradiction, the beſt acquainted with the conſtitution of his own country, and the moſt ſincerely attached to her true intereſt, never wiſhed to extend the legiſlative power of Britain, any further, than might be eſſential to her own preſervation; by eſtabliſhing ſuch regulations as were indiſpenſably neceſſary to prevent her falling a prey to her riſing colonies. As there was an *immediate neceſſity* of placing this power ſomewhere, the Parliament of Great-Britain could urge a claim founded in an *appearance* of reaſon, and ſupported by a ſuperiority of ſtrength; and yet, reaſonable as this claim appeared to be, it could never be maintained, upon the principles of their own government. The Commons of Britain might indeed with great propriety propoſe regulations for the trade, and reſtrictions for the manufactures of thoſe by whom they were appointed; but how they can, with any face of equity, reſolve to extend theſe regulations and reſtrictions to thoſe from whom

whom they have received no *delegated power*, is what I cannot eaſily comprehend. Would they but admit to their General Council a certain number of Deputies, properly authorized from every colony, to ſupport the intereſts of their Conſtituents, to explain the nature of their ſituation, and remonſtrate againſt any acts of oppreſſion, then indeed, whatever commercial regulations they might think proper to form, would be fixed upon a *conſtitutional baſis*, and their authority remain for ever undiſputed; as I can never be ſuppoſed to mean that it ſhould extend to any other than ſuch matters which immediately relate to commerce; while the *internal policy* of each colony ſhould ſtill be regulated by its proper Repreſentatives, in conjunction with the Deputy of the Crown: and their liberty ſhould only be reſtrained, and their property fairly diſpoſed of by thoſe who are *legally* veſted with that authority. I am very ſenſible, that to fix a repreſentation in Parliament for the purpoſes of commerce *only*, would be attended with many inconveniences; but every man who has the cauſe of liberty, and the intereſt of his country at heart, would rather accept ſuch a partial, diſadvantageous eſtabliſhment as might immediately be obtained, than ſubmit to ſuch an *unnatural ſtate of ſubordination*, as muſt continually keep alive the ſpirit of contention, and finally involve us in inevitable ruin.

The friend of parliamentary power loſe themſelves in contemplating the idol they have raiſed; and to confirm the veneration which they have entertained, they annex to it the idea of *omnipotence* and *infallibility*. It is a received maxim of the law—"*that the King can do no wrong*;" and yet our brave forefathers were not ſo deluded by this *Royal dogma* as to ſuffer themſelves to be ſtripped of their invaluable rights and privileges by the arbitrary fiat of a wicked Prince; and if *they* were juſtifiable in their reſolute oppoſition to the unwarrantable encroachments of a power which had been conſidered as ſacred by a long hereditary ſucceſſion; how very reaſonably may *we* conceive that our conduct will be *ſtrictly defenſible* when we unanimouſly oppoſe the violent proceedings of a body which we may be ſaid, from day to day, to have faſhioned with our own hands. As the original deſign of delegating power, was, that it might be exerciſed for the good of the whole commu-

nity, there cannot be a greater abſurdity in politics than to ſuppoſe that thoſe whom we have veſted with a reaſonable and neceſſary authority, are not accountable to us if they ſhould, by any conſideration, be led weakly and wantonly to abuſe it. The doctrine of *non-reſiſtance* and *paſſive obedience* to the tyranic will of a wicked Prince has long ſince been exploded, and thoſe who have endeavoured to inculcate theſe ſlaviſh principles have deſervedly been treated with the utmoſt rigor of the law.* If liberty be the object which we purſue, and ſlavery the misfortune which we moſt cautiouſly avoid, we have as much to apprehend from a corrupt Parliament, as from an ambitious King; and he who would patiently ſubmit to the uſurpations of the one and reſolutely oppoſe the deſpotiſm of the other, only declares, by his conduct, that he would rather be ruled by five hundred tyrants than by one.

The natural right which every man poſſeſſes, to reſtrain, by *every poſſible method*, the progreſs of arbitrary, lawleſs government, is not at this day to be controverted; and tho' it may be inſinuated that the too warmly and too frequently preſſing this doctrine may excite a ſpirit of licentiouſneſs, yet, in anſwer to this, I muſt beg leave to remark, that the cauſe of liberty cannot be too carefully cultivated, and that thoſe principles by which it is beſt ſupported cannot be too often or too ſtrongly inculcated. Should the Parliament of Britain by any act of power, attempt to ſtrip their conſtituents of ſome important, unalienable right, would they not meet with as certain and violent oppoſition, as if the Crown, by an exertion of its prerogative ſhould endeavour to diveſt them of ſome eſtabliſhed privilege. The King of Great-Britain is veſted with an extenſive, but not an *unlimited authority*; and is himſelf bound by thoſe laws with the execution of which he is intruſted. The Repreſentatives of the nation in Parliament aſſembled, with juſtice arrogate to themſelves many great and uſeful powers: They are Truſtees lawfully appointed for the Freemen of Great Britain—*ne quid detrimenti capiat reſpublica* is the tenure of their appointment; and, if they ſhould, from any principle of venality or corruption, betray their important truſt, no man can doubt but that they are very reaſonably accountable

* Vide Sacheverel's Trial.

to

to their Conſtituents for every part of their miſconduct. Should an act of the Britiſh Legiſlature invade the rights of thoſe who cloathed the Lawmakers with their legiſlative power, it could only be conſidered as a breach of truſt; but if the ſame authority ſhould be exerted to deprive us of our moſt inеſtimable liberties, we muſt very properly regard it as an act of violence and oppreſſion. The nature and importance of thoſe duties which have been impoſed upon ſuch articles as we are under a neceſſity of importing from Great-Britain *only*, have been very clearly and accurately explained by a late judicious writer *. For my part I have only laboured to impreſs the *principles* of liberty upon the minds of my countrymen; and to draw from thoſe principles ſuch clear and forcible concluſions as might carry with them conviction even to the moſt prejudiced. I have left the arrangement and conſideration of particular facts to thoſe who have more leiſure and ability; but if this looſe, undigeſted eſſay, ſhould, in the moſt trifling degree, promote the intereſt of my country, I ſhall, at any time hereafter, moſt willingly devote my head, my heart, and my hand to the ſame *glorious purpoſe*.

Te propter colimus leges, animoſque ferarum
Exuimus; nitidis quisquis te ſenſibus hauſit
Irruet intrepidus flammis, hiberna ſecabit
Æquora; concertos hoſtes ſuperabit inermis. CLAUD.

A CITIZEN.

For the LONDON MUSEUM.

On the advantage of incloſing Commons.

AS I am of a contemplate diſpoſition, I have the greateſt pleaſure in making my obſervations upon places, perſons, and things; and nothing heightens it more, than to ſee the vaſt improvements which have been made

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* Author of the Farmer's Letters.

within

within theſe few years, by gentlemen in their reſpective eſtates, gardens, and habitations. This will afford to themſelves a rational ſatisfaction as long as they live, and be of infinite advantage to their poſterity. But what diſpleaſes and aſtoniſhes me much, is, to ſee the vaſt tract of Commons in this kingdom lie barren and uncultivated, which might, with little expence, be a great part of them improved to public utility.

The advantages which would accrue from incloſing them are ſo obvious in every reſpect, that it would be needleſs to mention any, and endleſs to mention all. Give me leave, therefore, to intimate only in one inſtance, wherein the community in general, and every pariſh which has a large common in it, might receive the greateſt benefit imaginable, from ſuch incloſures. The yearly increaſe of the poor, I believe, is a general complaint through the kingdom: how eaſily, then, might this complaint be, in a great meaſure, removed, by taking in as much commoning in every pariſh, as would maintain their poor? and as the Legiſlature is now ſitting, with what facility might a proper ſcheme be formed, and a general law made for this laudable intention? There are a great many gentlemen and freeholders in the nation, I make no doubt, would be glad to incloſe at their own expence, and pay ſuch rents for the land upon long, renewable leaſes, and under the ſanction of an act of Parliament, for the uſe of the poor, as ſhould be thought adequate, by perſons mutually choſen by truſtees, and themſelves to put a value upon the land.

To ſay that ſuch a ſcheme would contribute to ſink the value of other lands, already incloſed, I apprehend, is not a true ſuggeſtion; for we every day ſee lands increaſe in their value, and application enough made for tenements, whenever they become vacant. To object likewiſe, that it would be injurious to perſons who keep ſheep on the commons, is alſo, I think, a vague objection; for there will be ſufficient left for that purpoſe, in moſt places, of commoning not worth incloſing: and it is well known that ſheep kept in incloſures are much ſooner fed, and their wool much better than wool of thoſe ſheep which are paſtured upon Commons. It muſt, therefore, be ſome little, private intereſt of their own, or ſome

ſordid

ſordid inclination to obſtruct all public good, which induces them to oppoſe a plan, ſo generally uſeful; and I imagine that Lords of Manors would not be againſt it, becauſe all their rights and liberties would be properly and amply ſecured to them, by an act of Parliament.

For the LONDON MUSEUM.

BELISARIUS, *or the* DISBANDED OFFICER.

HAIL Emulation! vivifying fire,
That with the chaſteſt virtues doth inſpire
The ſoul of man to glory and renown,
And ſhines the brighteſt jewel in the crown.

Bright Emulation, thy immortal meed,
Lifts the brave mind to each aſpiring deed;
Leads out our youth by various roads to fame,
And makes them glow with more than mortal flame:
Panting they ſtart, the race of life to run,
And may, though great and virtuous, be undone.

Shall the brave youth, whom love and glory ſtir'd
To ſerve his country, never be prefer'd?
Shall Kings neglect the valiant and the juſt,
And let their laurels wither in the duſt;
Shall royal favour FAVORITES adorn,
Load Merit with indignity and ſcorn;
With partial hand raiſe villains round a court;
See Virtue ſtarving—and deny ſupport?

Curſt is the ſtate wherein this vice prevails,
Where partial Fav'rites glide with purple ſails
Adown the tides of vice, and baſely ſink
The barks of Merit, anchor'd near the brink.
Thus in their bloom the faireſt talents fade,
And Virtue dies neglected in the ſhade.
Vices and crimes ſpontaneous ſhoot around,
And ſuch the nutriment of fertile ground,
Where nature meant her choiceſt plants to raiſe,
To feed the virtuous, and deſerve their praiſe.

Under the reign where Favorites prevail,
And partiality weighs down the ſcale

Of

Of Truth and Juſtice, briers there muſt riſe,
To choak the faireſt flowers beneath the ſkies.
O Juſtice haſt thou fled this fav'rite land,
And from the equal ſcale withdrawn thine hand!
Shall Virtue find no honour, no reward,
Shall Merit ſtarve, and Pity not regard?
Shall Partiality that weed of earth,
Whom Nature ſcorn'd and trembling told his birth;
Say ſhall he lord it o'er theſe free-born iſles,
And change to bitter tears, our blitheſt ſmiles!
Shall Adulation before Truth advance,
And honeſt Zeal give way to Complaiſance;
Shall the baſe meanneſs of a ſoul, inclin'd
To vice, riſe powerful o'er the gen'rous mind!
Where ſuch a monſter ſways, he makes a chain
To lead his King, and ſtigmatize his reign.

Tell me, what chance amidſt this barb'rous crew,
The ſage, the hero, and the virtuous few!
Can dignity of mind, amidſt ſuch knaves
Degrade itſelf—and like theſe pliant ſlaves
Submit and cringe in a diſſembling ſtile,
And murder truth to make the Sovereign ſmile!
If ſycophants can pleaſe with falſeſt things,
Can Truth and Virtue charm the ears of Kings!
If Hypocrites reign Fav'rites with the Prince,
Honour's fair rhetorick will ne'er convince
The Monarch thus deluded by the ſlave:
Who, with his meaneſt ſubject fills the grave.
Curſt is the reign where favouritiſm rules,
Where weeds and thiſtles find the hands of fools
To nurſe, and cheriſh their deſtructive race,
And root the flowers of Virtue out of place:
What tarniſh'd all the daſtard Steuart's names,
What glory brought proud BUCKINGHAM to James!

When Charity from a pure fountain ſprings,
And God-like acts inſpire the breaſts of Kings;
The monarch's grace and favour ſpreads around,
And merit finds a balm for ev'ry wound.

Thus in the foreſt ſtands the royal oak,
And ſhades the ſmaller plants, from each rude ſtroke
Of angry winter, which at once would tear
Their earth-bound roots, and whirl them thro' the air.

That King is great, who ſearches thro' his reign
For injur'd Merit, and relieves his pain;

Like

Like ANTONINUS, can each hour employ,
And bring to ſad affliction, peace and joy.
O could the honeſt tongue, the gen'rous heart,
Into the royal ear their truths impart,
Kings would with truth and virtue fall in love,
And from their preſence ſycophants remove:
But hard's the taſk, and honour's power but ſmall,
When luſt and vice ſhove virtue from the wall.
Degen'rate times, when each degen'rate ſon,
Sullies the glories which his father won.

Shall partial acts, peculiar to the breaſt
Of partial courtiers, never be ſuppreſt;
Shall the foul, greaſy oil for ever ſpread,
And worth neglected, weep our Juſtice dead!
Curſt waſt thou ENGLAND, when thou mix'd thy ſeed,
With a baſe, foreign, partial, mongrel breed.

Merit, in theſe crude days, like ſome fair flow'r,
Feels the cold ſhock of each inclement ſhow'r;
Planted, perhaps, promiſcuous on ſome heath
'Midſt weeds, tho' fair enough t'adorn a wreath:
Yet, ſhould this flower of merit be remov'd
To richer ſoils, which floriſts had approv'd,
There it might bloom, and win the regal ſmile,
And top the gayeſt beauties of the ſoil.—
But virtuous merit can't indignant crouch
To ſervile acts, around the purple couch.—
Here will their injuries remain unread,
And vice, in pomp, be mingled with the dead.
Alas! how circumſpect ſhould act all Kings,
When 'midſt the crouds which fill their glitt'ring rings;
Few enter there but ſycophants and ſlaves,
And of all wretches, courteous, flatt'ring knaves:
In ſuch a throng can Virtue ſhow her face,
When haughty Vice dare thruſt her out of place.
In ſuch a place, can Britons find redreſs
For any wrongs—or hope the leaſt ſucceſs!

THE PRINCIPAL EVENTS AND OCCURRENCES OF THE MONTH OF APRIL, 1770.

Friday, March 30.

PURSUANT to an advertiſement, the Freeholders of Middleſex met this day at the Aſſembly-room, Mile-end, in order to determine on an Addreſs, Remonſtrance, and Petition to his Majeſty.

At half an hour after 12, Mr. Sheriff Sawbridge, attended by Mr. Horne, Dr. Wilſon, entered the room, when Mr, Sawbridge took the Chair. He opened the meeting by acquainting them that 'on account of the death of Mr. Townſend, father to his worthy 'colleague, he could not attend; he therefore ſaid he would take 'the Chair in his ſtead, as being the other Sheriff. He then ac-'quainted them, that he called them together, at the requeſt of 'ſeveral of the Freeholders, to conſider of an Addreſs, Remon-'ſtrance, and Petition to his Majeſty, and that if any gentlemen 'preſent had any propoſal to make, or any thing further to offer, 'he was willing to hear them.'

On this Mr. Horne roſe, and ſaid, that as Mr. Adair, who had the Remonſtrance, was not yet come, he would crave their patience to hear him for ſome time: he then entered into a minute and circumſtantial detail of all the grievances, and unconſtitutional ſteps which had been taken, from the ſeizure of Mr. Wilkes's papers to the preſent time, occaſionally making ſeveral ſpirited obſervations; to theſe he added, in the courſe of this narration, ſeveral pieces of ſecret inteligence, which ſo intereſted his oration, that though it continued for near two hours, the audience teſtified the cloſeſt attention to the very laſt moment.

This harangue, which was received with the loudeſt acclamations of applauſe, was ſcarcely finiſhed when Mr. Adair arrived with the Remonſtrance, when Mr. Sheriff Sawbridge aſked, whether it was there pleaſure it ſhould be read; on this the general cry of "read, read," ſucceeding, Mr. Adair read it aloud, as follows.

To the KING'S Moſt Excellent Majeſty.

The Humble ADDRESS, REMONSTRANCE, *and* PETITION *of the Freeholders of the County of Middleſex.*

"WE, your Majeſty's moſt dutiful and loyal ſubjects, the Freeholders of the County of Middleſex, impreſt with the deepeſt concern for the diſtracted and miſerable ſtate to which we

we find ourſelves, and all our fellow ſubjects, reduced by the miſconduct of your Majeſty's Miniſters (ſupported and carried into effect by many of thoſe who ought to conſider themſelves as the repreſentatives of the people) beg leave, moſt earneſtly, to reiterate thoſe complaints and ſupplications, which we have already humbly, though ineffectually preſented to your Majeſty.

"Actuated, as we are, by the warmeſt and firmeſt attachment to your Majeſty's perſon and illuſtrious family, (an attachment ſecond only to that which we feel to the conſtitution, which your Family was choſen to protect) we cannot ſee, without equal indignation and concern, thoſe fruits, which were ſo juſtly expected from your Majeſty's virtues, and auſpicious government, blaſted and deſtroyed by *a ſecret and malignant influence*, which has thwarted and defeated almoſt every meaſure that has been attempted for the good of your ſubjects, and has given birth to others, totally ſubverſive of the liberties and conſtitutiou of theſe once flouriſhing and happy kingdoms.

"It is not for any light or common grievance that we preſume thus repeatedly to interrupt your Majeſty's quiet with our complaints; it is not the illegal oppreſſion of an individual; it is not a partial invaſion of our property; it is not the violation of any ſingle law, of which we now complain; but it is a violation which at one ſtroke deprives us of the only conſtitutional ſecurity for our fortunes, liberties and lives.

"Your Majeſty's ſervants have attacked our liberties in the moſt vital part; they have torn away the very heart-ſtrings of the conſtitution, and have made thoſe men the inſtruments of our deſtruction, whom the laws have appointed as the immediate guardians of our rights and liberties.

"The Houſe of Commons, by their determination on the laſt election for this county, have aſſumed a power to over-rule, at pleaſure, the fundamental right of election, which the conſtitution has placed in other hands, thoſe of their conſtituents, and from whence alone they derive their whole authority; a power by which the law of the land is at once overturned, and reſolved into the will and pleaſure of a majority of one Houſe of Parliament; and if this pretended power is exerciſed to the full extent of the principle, that Houſe can no longer be a repreſentative of the people, but a ſeparate body, altogether independent of them, ſelf-exiſting, and ſelf-elected.

"Theſe proceedings have totally deſtroyed the confidence of your Majeſty's ſubjects in one eſſential branch of the legiſlative power; and if that branch is choſen in a manner not agreeable to the laws and conſtitution of the kingdom, the authority of parliament itſelf muſt ſuffer extremely, if not toally periſh.

"In this dreadful extremity it is to your Majeſty alone we can apply for relief, as in your hands that prerogative is veſted, which alone can afford a remedy adequate to the diſeaſe. And we truſt that from you, as the father of your people, we ſhall at length obtain that remedy; though the ſame pernicious counſels, which gave birth to all our grievances, have hitherto prevented

their redreſs; and have ſtill further aggravated our injuries, by diſmiſſing from your ſervice the firſt officer of the law, and the only judge removeable at pleaſure, for endeavouring to ſupport the liberty and conſtitution of his country.

"We are encouraged in our hopes by your Majeſty's declaration, that you are always ready to liſten to the complaints of your people. This declaration we conſider as the genuine dictates of your *own* principles and inclinations; and we are therefore perſuaded, that your *own* gracious diſpoſition will never lead you to conſider a dutiful repreſentation of the miſconduct of your Majeſty's miniſters as *diſreſpectful to you*; a charge expreſly confined to the abuſe of the conſtitution of the Houſe of Commons, as *injurious to Parliament* at large; or a requeſt to you to exert a prerogative veſted in you by the conſtitution, for the good of your people, as irreconcileable to he principles of the conſtitution.

"Upon theſe motives and principles, we think it our duty again to have recourſe to our undoubted, legal, and conſtitutional right of offering our complaints and petitions to the throne; more eſpecially as that right itſelf has been indirectly attacked, under pretence of cenſuring a ſuppoſed abuſe of it: an attack of the moſt alarming nature, and which furniſhes the ſtrongeſt additional ground of apprehenſion and complaint; for by this means, a moſt dangerous attempt has been made to cut off the communication between your Majeſty and your people, leaving your Majeſty to be deceived by the falſe and partial repreſentations of wicked Miniſters, and your people to be reduced to deſpair of any conſtitutional redreſs, on this, or any future occaſions.

"Deign then, moſt gracious Sovereign, to liſten to the earneſt and repeated ſupplications of an injured people, by diſſolving the preſent, and calling another Parliament; and by removing for ever from your Majeſty's preſence thoſe evil counſellors, who have been the authors of ſo many intolerable grievances to all parts of your Majeſty's dominions.

"By theſe means you will reſtore concord and harmony to this diſtracted kingdom; you will eſtabliſh the confidence of your people in their repreſentatives and governors; you will preſerve and ſecure to us the enjoyment of our rights and liberties, and draw down upon yourſelf and your poſterity, bleſſings of grateful millions."

After it had been twice read, the queſtion was put, "Whether they approved of it," when only one hand appeared againſt it; this occaſioned ſome hiſſing; but the perſon being brought forward, he declared he did it intentionally, but gave no other reaſon; the hiſſing then began to encreaſe, when the chairman, with great good ſenſe and humanity, obſerved, how hard it was in ſo large a company for *all* to agree in any point; that for his part, 'he thought it an act of great unanimity that there was but *one diſ-* 'ſentient, and that ſo far from blaming or cenſuring that perſon, 'he applauded him, as it was acting honeſtly, and according to 'opinion; he therefore earneſtly intreated them not to ſhew them-'ſelves inferior in decency and temper to the Livery of London, on 'a late ſimilar occaſion.' This ſpeech, which was univerſally well received,

received, had ſo good an effect on the audience, that it inſtantly reſtored order and propriety.

A motion was then made and ſeconded, that the Sheriffs do ſign the Remonſtrance in the name of the whole county, and that they, with Serjeant Glynn, do wait on his Majeſty with the ſame as ſoon as decency permits Mr. Sheriff Townſend to appear in public. This was univerſally agreed to. The thanks then of the company being unanimouſly given to the Sheriffs for their very great attention, and ſpirited conduct in the triple capacities of *officers, ſenators, and citizens*, the buſineſs of the day concluded.

The following obſervations on Remonſtrating, by JUNIUS *(ſee our laſt, page 256) are not improper to be preſerved in this place.*

IN my laſt letter I offered you my opinion of the truth and propriety of his Majeſty's anſwer to the city of London, conſidering it merely as the ſpeech of a Miniſter, drawn up in his own defence, and delivered, as uſual, by the Chief Magiſtrate. I would ſeparate, as much as poſſible, the King's perſonal character and behaviour from the acts of the preſent government. I wiſh it to be underſtood, that his Majeſty had in effect no more concern in the ſubſtance of what he ſaid, than Sir James Hodges had in the Remonſtrance; and that as Sir James, in virtue of his office, was obliged to ſpeak the ſentiments of the people, his Majeſty might think himſelf bound, by the ſame official obligation, to give a graceful utterance to the ſentiments of his Miniſter. The cold formality of a well-repeated leſſon is widely diſtant from the animated expreſſion of the heart.

This diſtinction however is only true with reſpect to the meaſure itſelf. The conſequences of it reach beyond the Miniſter, and materially affect his Majeſty's honour. In their own nature they are formidable enough to alarm a man of prudence, and diſgraceful enough to afflict a man of ſpirit. A ſubject, whoſe ſincere attachment to his Majeſty's perſon and family is founded upon rational principles, will not, in the preſent conjuncture, be ſcrupulous of alarming or even of afflicting his Sovereign. I know there is another ſort of loyalty, of which his Majeſty has had plentiful experience. When the loyalty of Tories, Jacobites, and Scotchmen, has once taken poſſeſſion of an unhappy Prince, it ſeldom leaves him without accompliſhing his deſtruction. When the poiſon of their doctrines has tainted the natural benevolence of his diſpoſition, when their inſidious Councils have corrupted the *Stamina* of his government, what antidote can reſtore him to his political health and honour, but the firm ſincerity of his Engliſh ſubjects?

It has not been uſual in this country, at leaſt ſince the days of Charles the Firſt, to ſee the Sovereign perſonally at variance, or engaged in a direct altercation with his ſubjects. Acts of grace and indulgence are wiſely appropriated to him, and ſhould conſtantly be performed by himſelf. He never ſhould appear, but in an amiable light to his ſubjects. Even in France, as long as any ideas of a limited monarchy were thought worth preſerving, it was a maxim,

a maxim, that no man ſhould leave the royal preſence diſcontented. They have loſt or renounced the moderate principles of their government, and now, when their parliaments venture to remonſtrate, the tyrant comes forward, and anſwers abſolutely for himſelf. The ſpirit of their preſent conſtitution requires that the King ſhould be feared, and the principle, I believe, is tolerably ſupported by the fact. But, in *our* political ſyſtem, the theory is at variance with the practice, for the King ſhould be beloved. Meaſures of greater ſeverity may, indeed, in ſome circumſtances, be neceſſary; but the Miniſter, who adviſes, ſhould take the execution and odium of them entirely upon himſelf. He not only betrays his maſter, but violates the ſpirit of the Engliſh conſtitution, when he expoſes the Chief Magiſtrate to the perſonal hatred or contempt of his ſubjects. When we ſpeak of the firmneſs of government, we mean an uniform ſyſtem of meaſures, deliberately adopted, and reſolutely maintained by the ſervants of the crown, not a peeviſh aſperity in the language or behaviour of the Sovereign. The government of a weak, irreſolute monarch may be wiſe, moderate, and firm;—that of an obſtinate, capricious Prince, on the contrary, may be feeble, undetermined, and relaxed. The reputation of public meaſures depends upon the Miniſter, who is reſponſible, not upon the King, whoſe private opinions are not ſuppoſed to have any weight againſt the advice of his Council, whoſe perſonal authority ſhould therefore never be interpoſed in public affairs. —This, I believe, is true, conſtitutional doctrine. But for a moment, let us ſuppoſe it falſe. Let it be taken for granted that an occaſion may ariſe, in which a King of England ſhall be compelled to take upon himſelf the ungrateful office of rejecting the petitions, and cenſuring the conduct of his ſubjects; and let the city Remonſtrance be ſuppoſed to have created ſo extraordinary an occaſion. On this principle, which I preſume no friend of adminiſtration will diſpute, let the wiſdom and ſpirit of the Miniſtry be examined. They adviſe the King to hazard his dignity, by a poſitive declaration of his own ſentiments;—they ſuggeſt to him a language full of ſeverity and reproach. What follows? When his Majeſty had taken ſo deciſive a part in ſupport of his Miniſtry and Parliament, he had a right to expect from *them* a reciprocal demonſtration of firmneſs in their own cauſe, and of zeal for *his* honour. He had reaſon to expect (and ſuch, I doubt not, were the bluſtering promiſes of Lord North) that the perſons, whom he had been adviſed to charge with having failed in their reſpect to him, with having injured Parliament, and violated the principles of the conſtitution, ſhould not have been permitted to eſcape without ſome ſevere marks of the diſpleaſure, and vengeance of Parliament. As the matter ſtands, the Miniſter, after placing his Sovereign in the moſt unfavourable light to his ſubjects, and after attempting to fix the ridicule and odium of his own precipitate meaſures upon the royal character, leaves him a ſolitary figure upon the ſcene, to recal, if he can, or to compenſate, by future compliances, for one unhappy demonſtration of ill-ſupported firmneſs, and ineffectual reſentment. As a man of ſpirit, his Majeſty cannot

but

but be ſenſible, that the lofty terms, in which he was perſuaded to reprimand the city, when united with the filly concluſion of the buſineſs, reſemble the pomp of a mock-tragedy, where the moſt pathetic ſentiments, and even the ſufferings of the Hero are calculated for deriſion.

Such has been the boaſted firmneſs and conſiſtency of a Miniſter, whoſe appearance in the Houſe of Commons was thought eſſential to the King's ſervice;—whoſe preſence was to influence every diviſion;—who had a voice to perſuade, an eye to penetrate, a geſture to command. The reputation of theſe great qualities has been fatal to his friends. The little dignity of Mr. Ellis has been committed. The mine was ſunk;—combuſtibles provided, and Welbore Ellis, the Guy Faux of the fable, waited only for the ſignal of command. All of a ſudden, the country gentlemen diſcover how groſſly they have been deceived;—the Miniſter's heart fails him, the grand plot is defeated in a moment, and poor Mr. Ellis and his motion taken into cuſtody. From the event of Friday laſt one would imagine that ſome fatality hung over this gentleman. Whether he makes or ſuppreſſes a motion, he is equally ſure of his diſgrace. But the complexion of the times will ſuffer no man to be Vice-treaſurer of Ireland with impunity.

I do not mean to expreſs the ſmalleſt anxiety for the Miniſter's reputation. He acts ſeparately for himſelf, and the moſt ſhameful inconſiſtency may perhaps be no diſgrace to him. But when the Sovereign, who repreſents the majeſty of the ſtate, appears in perſon, his dignity ſhould be ſupported. The occaſion ſhould be important;—the plan well conſidered;——the execution ſteady and conſiſtent. My zeal for his Majeſty's real honour compels me to aſſert, that it has been too much the ſyſtem of the preſent reign, to introduce him perſonally, either to act for or to defend his ſervants. They perſuade him to do what is properly *their* buſineſs, and deſert him in the midſt of it. Yet this is an inconvenience, to which he muſt for ever be expoſed, while he adheres to a Miniſtry divided among themſelves, or unequal, in credit and ability, to the great taſk they have undertaken. Inſtead of reſerving the interpoſition of the Royal Perſonage, as the laſt reſource of government, their weakneſs obliges them to apply it to every ordinary occaſion, and to render it cheap and common in the opinion of the people. Inſtead of ſupporting their maſter, they look to *him* for ſupport; and for the emolument of remaining one day more in office, care not how much his ſacred character is proſtituted and diſhonoured.

If I thought it poſſible for this paper to reach the cloſet, I would venture to appeal at once to his Majeſty's judgment. I would aſk him, but in the moſt reſpectful terms, "As you are a young man, "Sir, who ought to have a life of happineſs in proſpect;—as you "are a huſband;—as you are a father [your filial duties I own have "been religiouſly performed] is it *bona fide* for your intereſt or "your honour, to ſacrifice your domeſtic tranquillity, and to live "in a perpetual diſagreement with your people, merely to preſerve "ſuch a chain of beings, as North, Barrington, Weymouth, "Gower, Ellis, Onſlow, Rigby, Jerry Dyſon, and Sandwich? Their

"very

"very names are a ſatire upon all government, and I defy "the graveſt of your chaplains to read the catalogue without "laughing."

For my own part, Sir, I have always conſidered addreſſes from Parliaments as a faſhionable, unmeaning formality. Uſurpers, ideots, and tyrants have been ſucceſſively complimented, with almoſt the ſame profeſſions of duty and affection. But let us ſuppoſe them to mean exactly what they profeſs. The conſequences deſerve to be conſidered. Either the Sovereign is a man of high ſpirit and dangerous ambition, ready to take advantage of the treachery of his Parliament, ready to accept of the ſurrender they make him of the public liberty;—or he is a mild, undeſigning Prince, who, provided they indulge him with a little ſtate and pageantry, would of himſelf intend no miſchief. On the firſt ſuppoſition, it muſt ſoon be decided by the ſword, whether the conſtitution ſhould be loſt or preſerved. On the ſecond, a Prince no way qualified for the execution of a great and hazardous enterprize, and without any determined object in view, may nevertheleſs be driven into ſuch deſperate meaſures, as may lead directly to his ruin, or diſgrace himſelf by a ſhameful fluctuation between the extremes of violence at one moment, and timidity at another. The Miniſter perhaps may have reaſon to be ſatisfied with the ſucceſs of the preſent hour, and with the profits of his employment. He is the tenant of the day, and has no intereſt in the inheritance. The Sovereign himſelf is bound by other obligations, and ought to look forward to a ſuperior, a permanent intereſt. His paternal tenderneſs ſhould remind him how many hoſtages he has given to ſociety. The ties of nature come powerfully in aid of oaths and proteſtations. The father, who conſiders his own precarious ſtate of health, and the poſſible hazard of a long minority, will wiſh to ſee the family eſtate free and unencumbered. What is the dignity of the crown, though it were really maintained;—what is the honour of Parliament, ſuppoſing it could exiſt without any foundation of integrity and juſtice;—or what is the vain reputation of firmneſs, even if the ſcheme of government were uniform and conſiſtent, compared with the heart-felt affections of the people, with the happineſs and ſecurity of the royal family, or even with the grateful acclamations of the populace? Whatever ſtile of contempt may be adopted by Miniſters or Parliaments, no man ſincerely deſpiſes the voice of the Engliſh nation. The Houſe of Commons are only interpreters, whoſe duty it is to convey the ſenſe of the people faithfully to the crown. If the interpretation be falſe or imperfect, the conſtituent powers are called upon to deliver their own ſentiments. Their ſpeech is rude, but intelligible;—their geſtures fierce, but full of explanation. Perplexed by ſophiſtries, their honeſt eloquence riſes into action. The firſt appeal was to the integrity of their Repreſentatives;—the ſecond to the King's juſtice;—the laſt argument of the people, whenever they have recourſe to it, will carry more perhaps than perſuaſion to Parliament, or ſupplication to the throne.

JUNIUS.

April

April 5. This day there was a full Houſe of Lords on the ſubject of Mr. Grenville's bill, which had been carried up by above one hundred Members of the Houſe of Commons, who made a point of attending it to the Lords. The bill was oppoſed by Lord Egmont, who was anſwered by Lord Mansfield. Lord Chatham ſupported the bill, and it paſſed without any diviſion.—Lord Chatham, in the courſe of his ſpeech, took occaſion to ſay, That as he had begun his life out of a court, he hoped he ſhould end it out of a court. He had no view of intereſt. All he meant was to rouze his country to a juſt ſenſe of the bleſſings of this conſtitution. Then he deſired that the Houſe might be ſummoned after the Holidays, for he deſigned to bring in a bill to reverſe the proceedings of the Houſe of Commons on the Middleſex election. He declared, that his intention by this bill, was to give the people a ſtrong and thorough ſenſe of the great violation of the conſtitution, by thoſe unjuſt and arbitrary proceedings.

9. The Middleſex Remonſtrance was preſented to his Majeſty, and received with the uſual contempt.

12. This day there was a moſt numerous and reſpectable meeting of the Livery at Guildhall, agreeable to the Lord Mayor's precepts, to receive the report of his Majeſty's Anſwer to their humble Addreſs, Remonſtrance, and Petition, likewiſe to take into conſideration ſome late reſolutions and orders of the courts of aſſiſtants of the companies of Goldſmiths, Weavers, and Grocers.

The Lord Mayor, attended by the two Sheriffs, Sir William Stephenſon, Alderman Trecothick, Alderman Croſby, a great number of the Common-council, and city officers, took the chair a quarter after one; when ſilence being proclaimed by the common cryer, the Lord Mayor came forward, and opened the buſineſs of the Hall as follows:

Gentlemen of the Livery,

I HAVE called you together to lay before you his Majeſty's anſwer to your humble Addreſs, Remonſtrance, and Petition; the Reſolutions and Addreſs of the Houſe of Lords and Commons, in conſequence thereof, together with certain reſolutions and orders of three of the Livery Companies of this City, which I deſire may be read by the Town Clerk, and then I ſhall crave your indulgence to make ſome obſervations thereon.

[*The King's Anſwer, the Reſolutions and Addreſs of both Houſes of Parliament, together with the reſolutions of the Maſter, Wardens, and Court of Aſſiſtants of the Goldſmiths, Weavers and Grocers companies were read.*]

After which the Lord Mayor came forwards and ſaid, Gentlemen, you have heard his Majeſty's anſwer to your humble Addreſs, Remonſtrance, and Petition; alſo the Reſolutions and Addreſſes of both Houſes of Parliament, and the Orders and Reſolutions of three of the Companies of this City, read.—I am to acquaint you, that his Majeſty received your Addreſs, Remonſtrance, and Petition, in the ſame manner as his Royal predeceſſors always did receive the Addreſs of the citizens of London, ſitting on his Throne.

I am ſorry to ſay, a more harſh anſwer was never given by a King of this country to the citizens of London; and I defy any man to ſhew me in the annals of this country, a more ungracious anſwer returned by any King of England to the citizens of London.

This harſh and ungracious part of the King's anſwer, we muſt conſider not as the words of his Majeſty, but thoſe of his Miniſters. The King has not more loyal ſubjects than the citizens of London; men ready and willing to ſacrifice their lives and fortunes in the ſupport of his Majeſty's perſon and family. True it is, we are accuſed by his Miniſters with want of reſpect to his Majeſty. Is there any thing in your humble Addreſs, Remonſtrance, and Petition, that ſavours of diſreſpect to the King? I look upon this to be the anſwer of the Miniſter; but when this harſh anſwer was given by his Majeſty, the goodneſs of his Royal heart was ſuch, that he could not ſuffer his faithful citizens to depart from his preſence, without receiving them again into his Royal favour: there is ſuch an emanation of grace flowing from the Royal countenance of his Majeſty, that the very admiſſion into his preſence, gives comfort and ſatisfaction to every perſon; he could not ſuffer his faithful citizens of London to depart, without receiving them into grace and favour, and in teſtimony thereof extended them his Royal hand to kiſs.

After paſſing the Bill of Rights, the Lords became ſuitors to King Charles I. that he would receive into his grace and favour, certain Lords who had offended him, viz. the Archbiſhop of Canterbury, the Biſhop of Lincoln, the Earls of Warwick and Eſſex, and the Lord ſay; the King willingly complied with their requeſt, and in teſtimony thereof, gave them his royal hand to kiſs.

We are told, that our addreſs is injurious to Parliament; if Parliament is corrupt, it is not injurious to ſay they are corrupt, and under undue influence; it is juſtice, and not an injury. It is likewiſe ſaid, our proceedings are irreconcileable to the laws and conſtitution. We have preſented an humble petition to the King for redreſs of grievances; the chief of which is, the violated right of free election, the foundation and baſis of our liberty. We have a right to petition; that is the birth-right of Engliſhmen; and even in the time when prerogative ran high, and the privileges of the people were invaded, the ſubjects always inſiſted upon that right.

In the arbitrary reign of King Charles II. there were two proclamations iſſued againſt petitioning; and in thoſe days there were ſervile lawyers, who declared, that proclamations ought to have the force of law; and yet thoſe proclamations did not damp, but increaſe the zeal for petitioning. The citizens of London did then petition for the calling of Parliament, and redreſs of grievances, which was followed by many neighbouring counties: in particular the petition of the county of Wilts was preſented by Thomas Thynn, Eſq; Sir Walter St. John, and Sir Edward Hungerford.

The *Citizens* of London lately preſented an humble petition for the redreſs of grievances: evil-diſpoſed Miniſters adviſed his Majeſty to take no notice of it. I ſay, the giving no anſwer to a petition, ſeems to me negative of the right—*(it is ſuppoſed that the Lord Mayor having*

having obſerved certain geſticulations made uſe of by ſome court emiſſaries, planted in the hall, took occaſion to repeat) I ſay, that the giving no anſwer to a petition, but flinging it away as waſte paper, ſeems to me a negative of the right. This brought on our Addreſs, Remonſtrance, and Petition; and the manner in which the ſame was received, and his Majeſty's anſwer thereto, I have already informed you.

As to the reſolutions of the Houſe of Commons, and their Addreſs, I have delivered my opinion thereon in another place. Let it be ſufficient when I tell you, that I have been menaced and threatened with impeachment, ſequeſtration of my eſtates, and baniſhment: but I was ſupported by my worthy colleague, one of your repreſentatives, and your two worthy Sheriffs; and I verily believe, that without ſuch ſupport, ſomething very hoſtile and diſagreeable to me, your Lord Mayor, would have been the conſequence.

I come now to the orders and reſolutions of three of your companies, the Goldſmiths, Weavers, and Grocers. The Goldſmiths ſay, that your Addreſs is moſt indecent. The Weavers have done no more than echo certain words of the King's anſwer. But the Grocers! ſay, that your humble Addreſs, Remonſtrance, and Petition, is the inſidious ſuggeſtion of ill-deſigning men. Inſidious! a word of the moſt opprobrious ſignification, and conveys the moſt deteſtable idea of any in the Engliſh language: it ſignifies ſly, circumventive, malicious, dark, and wicked. Do your actions deſerve theſe epithets? Do you Gentlemen of the Livery, and Gentlemen of the Common Council, merit theſe appellations?

They ſay that the people were againſt the Remonſtrance. Who are the people? Are not the Livery the people, who with the majority of the Common Council approved thereof, and attended me with the ſame to the King.

You have choſen me your Chief Magiſtrate againſt my will; it is your duty to ſupport his legal authority; it is your concern. I am here only for a day, but I hope the city of London will preſerve its liberties till time ſhall be no more. Your affair is agitated; look to it, Gentlemen.

Is a junto, a cabal of a few intereſted men to be looked upon as the people? I ſuſpect them to have been actuated by ſordid intereſt. They pretend not to a ſubordinate, but a controlling juriſdiction. If every Maſter of a company can controul your Lord Mayor, and refuſe to obey his precepts whenever they ſhall be iſſued, anarchy and confuſion muſt be the conſequence. Inſtead of one Lord Mayor you will have ſixty-four. What will become of you? A city divided againſt itſelf can never ſtand.

Why ſhould we complain of the abuſe of miniſterial, hireling writers, when we are ſo groſsly abuſed and miſrepreſented by a few of our own fellow-citizens?

You have been called a mob, banditti, and the ſcum of the earth; and ſince your humble Addreſs, Remonſtrance, and Petition, have been repreſented as ſprung from hoſpitals and poor-houſes. I anſwer that the anceſtors of many of the preſent nobility and gentry have ſprung from Citizens. Why do men value themſelves on pompous and high-ſounding titles? True nobility conſiſts in public vir-

tue and a love of our country. But why do I talk of nobility, when the glorious and moſt magnanimous Queen that ever ſwayed the ſcepter of this realm, was the grand-daughter of a Citizen, Sir Thomas Bullen, a Lord Mayor of London.

You have been conſtantly invited to reſiſtance by theſe hireling writers. They ſay, you are a cowardly, daſtardly crew, who can bully and break windows, but ſhrink from danger. In a taunting manner they tell us, why don't you ſtand forth? What! ſtand forth to have your throats cut by the third regiment of guards.

I will ſtand forth, I will fight them, but it ſhall be with the law and conſtitution on my ſide, and a roll of old parchment in my hand. Theſe weapons I will oppoſe to ſword and muſket: the weapon of the law is ſlow but ſure.

Gentlemen, your enemies ſeek to drive you to riot, diſorder, and confuſion. It becomes you well to fruſtrate their deſigns, by preſerving the public peace, decency, and good order. I have no doubt but that every man of you will co-operate with me in ſo laudable a deſign, and therefore I muſt exhort every one of you to keep the peace in your own perſons in the the enſuing holidays; and to that end you will oblige all your dependants, and perſuade all your acquaintance to do the ſame; then I have no doubt but that peace, decency, and good order will be preſerved: for ſhould any be found guilty of breaking the peace, and be brought before me, were he my own brother, ſo far as it lies in my power, he ſhall be puniſhed according to the utmoſt rigour of the law.

Upon the whole, I doubt not but by your peaceable and orderly behaviour, and by the grace of God, we ſhall accompliſh and obtain redreſs of all our grievances, and free enjoyment of all the liberties of Engliſhmen."—

This ſpeech, which continued near half an hour, was attended to with great ſilence, except the burſts of applauſe that every now and then accompanied its pauſes.

After which the following motions were made and ſeconded, "That the King's Anſwer, along with the reſolution of the Goldſmiths, Weavers, and Grocers, ſhould be referred to the conſideration of the committee of the livery; and that the thanks of this hall be given to the Lord Mayor, Sheriffs, Aldermen, &c. who preſented the Remonſtrance; and this laſt to be printed in all the public papers," which being univerſally agreed to (one hand only excepted) the buſineſs of the day concluded.

The perſon's name who diſſented is Graham, and is ſaid to be inſane.

Mr. Alderman Croſby, in a handſome ſpeech, aſſured the Livery, "That nothing but illneſs ſhould have prevented him from attending at the laſt Common-hall, and accompanying the Lord Mayor with the Addreſs to St. James's.".

April 18. The term of Mr. Wilkes's impriſonment expired this day. He was releaſed at ſix o'clock in the evening, and retired for a week to Mr. Reynolds's, near Foot's-Cray in Kent.

19. This evening there was, on account of Mr. Wilkes's enlargement, a general and voluntary illumination throughout the cities

cities of London and Weſtminſter; without any diſturbance or tumult. Great rejoicings were made on the ſame account in moſt parts of the kingdom.—On this occaſion he publiſhed the following Addreſſes:

To the Gentlemen, Clergy, and Freeholders of the County of Middleſex.

Gentlemen,

I OBEY the ſtrong impulſe of a lively gratitude, when I thus employ the firſt moments of my liberty to thank you for the many favours you have conferred on me during a long, cruel, and unmerited impriſonment. My ſufferings the two laſt years were endeared to me, as well as rendered truly honourable, by the ſupport and protection of the friends of freedom. The trial was indeed long and ſevere, but the moſt happy conſequences have followed. The favourable opinion you were pleaſed at firſt to entertain of my integrity and fortitude, has been confirmed on a variety of occaſions, and I have experienced as frequent proofs of your unwearied zeal for your country, and ſteady regard to me. I will go on with the ſame ſpirit in the cauſe of a brave and free people. To their ſervice, to the defence of the laws, and to the preſervation of the religious and civil liberties of the whole Britiſh empire, the remainder of my life ſhall be dedicated. I rely ſolely and entirely on your protection, and I will form no connection, which may in the ſmalleſt degree warp me from my duty to you, either as the dependant of a Miniſter, or even as the ſervant of the Crown; for I think a Repreſentative of the people ought to be perfectly free and unbiaſſed, in order more effectually to keep every miniſter in awe, and to oppoſe every encroachment of the prerogative, againſt which the Houſe of Commons was eſtabliſhed as a firm barrier. I will therefore know no influence in Parliament, but that created by the conſtitution, that of the conſtituents over their Repreſentatives; and I do not mean to acknowledge any other Conſtituents than thoſe patriotic friends, by whoſe favour I am the legal Member for the County of Middleſex.

I reflect, Gentlemen, with great ſatisfaction, that the many tedious months of my harſh confinement were not uſeleſsly employed in the common cauſe of freedom. I have enjoyed in priſon the fruits of my long labours, the glory of deſtroying that dreaded engine of arbitrary power, ſo cruelly employed of late, and ſo often fatal to our countrymen, a General Warrant. After every delay of privilege and chicane from May 1763, an upright Jury in laſt November declared a late Secretary of State guilty. No puniſhment however has reached that firſt and great offender. The Treaſury paid the fine and the whole expence of the proſecution, and he has been even rewarded with the cuſtody of the Privy Seal. The very ſuperior abilities of my worthy colleague, Mr. Serjeant Glynn, were exerted through the whole of this important cauſe. To his indefatigable zeal and love of legal liberty, every ſubject of this empire has the moſt eſſential obligations. I have taken care that all the proceedings in this great ſtruggle of the people againſt the uſurped power of miniſters ſhall be entered in the proper Court, and I hope the *Record* will remain *unaltered* to our lateſt poſterity,

as a compleat triumph of liberty over deſpotiſm. I feel with indignant ſorrow, that I have not been equally ſucceſsful in another national concern, which I had at heart, I mean a ſtrict Parliamentary enquiry into the horrid maſſacre of our countrymen in St. George's Fields, on the fatal tenth of May 1768. I gave to the public all the original papers reſpecting that wicked ſhedding of innocent blood, by which the land is defiled, and I offered to bring the evidence to the bar of the Houſe of Commons. The only hope which now remains to us is, that the virtue of a future Parliament, faithful to the truſt repoſed in them by the people, will ſoon purſue the murderers, that juſtice will at length overtake them, and that the moſt ſhocking of all crimes will not be left unpuniſhed. The horror of the action is ſtill freſh in the mind of every man of humanity; and I hold it to be the greateſt reproach of our age and nation, that ſo many of our fellow ſubjects have been baſely murdered by an inhuman ſoldiery in St. George's Fields, and other hired ruffians at Brentford, without a ſingle victim to the public juſtice of our country, to the future ſecurity of our lives, or to the violated laws of God and man.

The ſtate of this county, Gentlemen, is truly alarming. The Houſe of Commons have not only rejected a Member choſen by a majority of the Freeholders, but likewiſe obtruded upon you a perſon, whom you never elected. They have openly aſſumed the whole legiſlative power. By their vote they have declared an incapacity, where the law of the land, and common right, rendered the party eligible to Parliament. This proceeding is a direct attack both on the form and eſſence of the conſtitution, a flagrant violation of the fundamental privileges of Engliſhmen, and a robbery committed on every Elector of the kingdom, even in the moſt invaluable of all his poſſeſſions, the right of repreſentation in the Houſe of Commons. You have *petitioned*, you have *remonſtrated*, in the ſpirit of true Sons of Liberty, but in vain. The reaſon is moſt manifeſt. The meaſure of my expulſion and incapacity was previouſly ſettled in the Cabinet, and only brought to Parliament by the Miniſter in order to go through the common forms, as other buſineſs in the uſual courſe of the Seſſion. The nation however are not the dupes of this artifice, and they regard the preſent Houſe of Commons as no longer a juſt and fair repreſentative of the collective body of all the Electors in this united kingdom, and therefore they do not hold, that the power and authority of a legal Houſe of Parliament is inherent in the Aſſembly now ſitting at Weſtminſter.

I am happy, Gentlemen, to leave a hateful priſon without the leaſt ſpark of anger or reſentment againſt the authors of all my ſufferings. I have no malice nor revenge to gratify. I feel no paſſion, but that of gratitude to my friends, and my only enemies ſhall be thoſe of my country; thoſe who ſtill manifeſt a rooted, unrelenting malice againſt the liberties of this kingdom, and who endeavour to intail ſlavery on us and our poſterity. If my perſecutions are not yet ended, I will continue to bear up as a man, firm and determined in the beſt of cauſes, nor for your ſakes will I ſcruple to dare all the vengeance of thoſe wretched miniſters, who are now the

rulers

rulers over us, but poſſeſs neither the confidence nor the eſteem of the people. If his Majeſty be graciouſly pleaſed to liſten to the cries of a loyal but injured nation, and to remove a moſt corrupt and deſpotic Adminiſtration, who are every day baſely and deſperately ſtabbing the very vitals of the conſtitution, I ſhall then hope to live among you in the enjoyment of the firſt bleſſing and the moſt ſovereign good, liberty, both perſonal and political; and when I can no longer be uſeful to my country, to die happy in the applauſe of the friends of freedom and of England. I am, with deference and regard, Gentlemen,

Your faithful, and obedient humble ſervant,

April 18, 1770. JOHN WILKES.

To the worthy Inhabitants of the Ward of Farringdon Without.

Gentlemen, Freemen, and Fellow Citizens,

I CANNOT ſufficiently acknowledge and applaud the perſevering ſpirit and chearfulneſs, with which you have ſtruggled through the various difficulties ariſing from my inability to attend the duty of this great and reſpectable Ward. My future conduct will beſt ſhew the ſenſe I have of ſo ſingular an obligation. The tedious impriſonment, to which I was ſentenced for the firm oppoſition I made to a wicked Miniſtry, is at length happily paſſed. By regaining my liberty this day, I hope to acquire the power of rendering you real ſervices, and from the ſuperior rank you have conferred on me, of becoming more eminently uſeful. I ſhall not fail to attend the next Court of Aldermen, when, in ſupport of your rights, I mean to lay claim to, and inſiſt upon, the being admitted and ſworn into office, as having the honour of being elected by the general voice of ſo conſiderable a part of the city.

It is a particular ſatisfaction to me, Gentlemen, that I am to enter on my duty at a time when we are governed by ſo excellent a Chief Magiſtrate, and have Sheriffs of the moſt liberal principles, zealous promoters of the publick good, and of approved virtue. But above all I rejoice that the high ſpirit of liberty, joined with prudence, temper, and intrepidity, in ſo peculiar a manner now animates the whole body of the Livery of London. The late *Petition* and *Remonſtrance* will reflect honour on them to the remoteſt ages. The Engliſh hiſtory does not give a ſtronger inſtance of the uprightneſs of our contrymen, nor an example of any body of men more untainted by corruption, more uninfluenced by every conſideration of fear or intereſt, and more calm, yet determined, in a great cauſe. In the time of the laſt Stuart King, during the general confuſion, when the daſtardly tyrant fled, the principal nobility and gentry reſorted to our Guildhall for protection, and concerted, with our anceſtors, the citizens of this metropolis, that generous and equal ſyſtem of power, which was eſtabliſhed by the people at the glorious *Revolution*, and confirmed by the ſucceeding Parliament in the *Bill of Rights*. We have ſeen the moſt valuable of thoſe rights, the right of repreſentation in Parliament, openly violated.

On

On this important occaſion the Livery of London have ſhewn themſelves the worthy deſcendants of ſuch anceſtors. The *Petition* and the *Remonſtrance* have carried that enormous Grievance to the Throne in a ſpirited and becoming manner. I truſt that their public virtue and firmneſs will at laſt triumph over the tyranny of the preſent adminiſtration; and that our Sovereign will reſtore the conſtitution, thus ſhaken from it's foundation, by the ſpeedy diſſolution of a Houſe of Commons, abhorred by all good men, odious to the whole nation, and the validity of whoſe acts is now daily arraigned by their former conſtituents. Such a conſequence I think muſt ſoon follow from the noble conduct of this City, and of other great and publick-ſpirited bodies of men. After that happy event, the people of England may expect from their true friends, in a future honeſt Parliament, the three eſſential, and only effectual remedies of this diſtempered ſtate, acts for the excluſion of placemen and penſioners, for the ſhort duration of Parliaments, and for an equal repreſentation.

I know, Gentlemen, how much the power and wealth of this great city depends on its trade and commerce, which have always flouriſhed moſt in the freeſt ſtates, and never arrived at perfection but under the patronage of liberty. I ſhall therefore be ever ready to receive your directions on theſe important points, and in whatever relates to the proſperity of this city, and the particular intereſt of our Ward. Every probable plan for the advancement of the common welfare, as well as every mercantile conſideration, ſhall have its due weight in my mind. I will ever be a zealous defender of the rights and privileges of the Livery, and of all the Freemen of London. In the concerns of this extenſive Ward, I hope to have the advice and aſſiſtance of my Conſtituents, every one of whom may be aſſured of that attention and regard, which I owe to thoſe, by whoſe delegated power I act, and for whoſe intereſt I accepted this important truſt. It ſhall be my conſtant and earneſt endeavour to juſtify to the world the choice you have been pleaſed to make of me as your Alderman, and to approve myſelf an upright Magiſtrate, and a good Citizen of the capital of the Britiſh empire. I am, Gentlemen, Freemen, and Fellow Citizens, with gratitude and reſpect,

Your affectionate, and obedient, humble ſervant,

April 18, 1770. JOHN WILKES.

April 21. Died Lord Sandys. He was ſucceeded in his title and eſtate by his eldeſt Son, the Hon. Edwin Sandys, Member for Weſtminſter.

April 24. This day there was a numerous and reſpectable meeting of the Electors of Weſtminſter, in Weſtminſter-Hall, for the purpoſe of nominating a Repreſentative in Parliament, in the room of Mr. Sandys.

Sir John Huſſey Delaval, Bart. Member for Berwick, was called to the chair. He, in a very handſome and ſpirited ſpeech, firſt acquainted the Electors of the purpoſe of calling them together; and having

having deſcanted on the importance of the truſt repoſed in a Member of Parliament, aſked, if they had turned their attention towards any gentleman, whom they thought a proper perſon to repreſent them in the preſent vacancy? Upon which the whole hall called out, *Sir Robert Bernard! Sir Robert Bernard!* He added, that he was very ſorry Lord Percy was obliged to join his regiment in Ireland, as he would moſt certainly concur in their choice; and a great deal more to the ſame effect.

William Pulteney, Eſq; then came forward, and propoſed Sir Robert Bernard, Bart. as a Gentleman, who, in his opinion, was a very proper perſon to be a Repreſentative in Parliament for the City and Liberty of Weſtminſter; being a Gentleman of fair character, of ſufficient fortune to render him wholly independent, and above any temptation which could be offered by a Miniſter to ſeduce him from the intereſts of his country.

The Hon. Henry Grenville ſeconded Mr. Pulteney's motion; he took notice of Sir Robert's having generouſly and glorioufly ſtood forward in ſupport of the late Petition and Remonſtrance from the City and Liberty of Weſtminſter; and added, that as Sir Robert had given ſuch an earneſt of his zeal for the conſtitutional liberty of his country, and their intereſts, he hoped he would meet with their approbation now, and their ſupport on the day of election.

Upon which there were three loud huzzas.

The Right Hon. William Dowdeſwell ſpoke next. He expreſſed his entire approbation of their choice. Spoke of Sir Robert in very high terms of reſpect, as an honeſt man, a man of independent fortune, and a true friend to the liberties of his country; who was not afraid to ſtand forward on any trying occaſion, as they had experienced, and was therefore deſerving and worthy of the honour of being the Repreſentative in Parliament for that large and reſpectable City and Liberty: And he did not doubt, he ſaid, from ſo numerous a meeting of the Electors, that they would on the day of election, ſupport and confirm this nomination.

Sir Robert Bernard then came forward, ſaluted by the moſt chearful and unanimous acclamations of the Electors, and very politely thanked them for the great and unmerited honour they had done him, in thinking him worthy of being their Repreſentative in Parliament.

The Chairman then put the queſtion, whether they approved of Sir Robert Bernard, Bart. as a proper perſon to repreſent them in Parliament? which was declared by the holding up of hands, when all the hands in the hall were up in an inſtant. The contrary being put, not one hand was held up. So it was unanimous.

The thanks of the hall were then given to Sir John Huſſey Delaval, Bart. the chairman; and afterwards to the Hon. Henry Grenville, to the Right Hon. William Dowdeſwell, and to William Pulteney, Eſq;

There were preſent (beſides the above gentlemen who ſpoke) the Earls of Ludlow and Verney. Lord Mountmorres. The Hon. Thomas Hampden. The Right Hon. Thomas Townſhend. The Right Hon. W. G. Hamilton. Sir Francis Vincent, Bart. Gen.

Irvine, James Phipps, John Aubrey, John Calcraft, and Richard Whitworth, Eſqrs. Members of Parliament: and among other gentlemen of property, were Banks Hodgkinſon, ——— Grubb, and J. Adair, Eſqrs. Dr. Wilſon, &c. &c.

The ſame day, about one o'clock, the Lord Mayor, in the ſtate-coach, attended by Aldermen Ladbroke, Turner, Trecothick, and Stephenſon, and Mr. Sheriff Townſend, in their reſpective carriages, went from the Manſion-Houſe to Guildhall, to ſwear in John Wilkes, Eſq; Alderman of Farringdon Ward Without. Mr. Wilkes, dreſſed in a full-trimmed ſuit of black, ſet out from the Manſion-Houſe (where he had been about an hour) in Mr. Reynolds's carriage, accompanied by that gentleman. The concourſe of people aſſembled at the Manſion-Houſe and Guildhall was very great, and the acclamations when Mr. Wilkes entered the carriage were decent and particular. On their arrival at Guildhall a Court was formed, and Mr. Wilkes was immediately ſworn in and inveſted with the dignities.

There were preſent at the above Court, the Right Hon. the Lord Mayor, Aldermen Ladbroke, Aſgill, Glynn, Bridgen, Stephenſon, Kite, Turner, Trecothick, Croſby, Peers, Kennett, Shakeſpear, Halifax, Kirkman, Roſſiter, Bird, and Sheriff Townſend. Sheriff Sawbridge being indiſpoſed could not attend. The following Aldermen were abſent, viz. Alſop, Harley, Naſh, Eſdaile and Plumb.

After the buſineſs of the Court was over, Mr. Alderman Wilkes returned to the Manſion-Houſe in the coach with the Lord Mayor (amidſt the acclamations of the people) where an elegant entertainment was provided, at which were preſent Aldermen Aſgill, Stephenſon, Kite, Turner, Trecothick, Croſby, Halifax, Bird, Townſend, and Wilkes.

Extract of a Letter from Boſton, New-England, dated March 12.

"On the evening of Monday, being the 5th current, ſeveral ſoldiers of the 29th regiment were ſeen parading the ſtreets with their drawn cutlaſſes and bayonets, abuſing and wounding numbers of the inhabitants.

"A few minutes after nine o'clock, four youths, named Edward Archbald, William Merchant, Francis Archbald, and John Leech, jun. came down Cornhill together, and ſeparating at Dr. Loring's Corner, the two former, in paſſing a narrow alley, where a ſoldier was brandiſhing a broad ſword, of an uncommon ſize, againſt the walls, out of which he ſtruck fire plentifully, and a perſon of a mean countenance, armed with a large cudgel, by him, Edward Archbald bid Mr. Merchant take care of the ſword, on which the ſoldier turned round, ſtruck Archbald on the arm, and then puſhed at Merchant.

"Merchant then ſtruck the ſoldier with a ſhort ſtick, and the other perſon ran to the barrack, and brought with him two ſoldiers, one armed with a pair of tongs, the other with a ſhovel; he with the tongs purſued Archbald back through the Alley, collared,

lared, and laid him over the head with the tongs. The noiſe brought people together, and John Hicks, a young lad, coming up, knocked the ſoldier down, but let him get up again; and more lads gathering, drove them back to the barrack, where the boys ſtood ſome time as it were to keep them in. In leſs than a minute ten or twelve ſoldiers came out, with drawn cutlaſſes, clubs, and bayonets, and ſet upon the unarmed boys, who, finding the inequality of their equipment, diſperſed.

"On hearing the noiſe, one Samuel Atwood came up to ſee what was the matter, and met the ſoldiers aforeſaid ruſhing down the alley, and aſked them if they intended to murder people? They anſwered, Yes, by G—d, root and branch! with that one of them ſtruck Mr. Atwood with a club, which was repeated by another, and, being unarmed, he turned to go off, and received a wound on the left ſhoulder, which reached the bone. Retreating a few ſteps, Mr. Atwood met two officers, and ſaid, Gentlemen, what is the matter? They anſwered, You'll ſee bye and bye. Immediately after, theſe heroes appeared in the ſquare, aſking where were the bougres? Where were the cowards? Thirty or forty perſons, moſtly lads, being by this means gathered in King-ſtreet, Capt. Preſton, with a party of men, with charged bayonets, came from the main guard, and taking their ſtations by the Cuſtom-houſe, began to puſh and drive the people off, pricking ſome, and threatening others; on which the people grew clamorous, and, it is ſaid, threw ſnow-balls. On this the captain commanded his men to fire, and more ſnow-balls coming, he again ſaid, d——n you, fire, be the conſequence what it will! One ſoldier then fired, and a townſman, with a cudgel, ſtruck him over the hands with ſuch force that he dropt his firelock, and, ruſhing forward, aimed a blow at the captain's head, which grazed his hat, and fell pretty heavy upon his arm: however the ſoldiers continued the fire, ſucceſſively, till ſeven or eight, or, as ſome ſay, 11 guns were diſcharged.

"By this fatal manœuvre, ſeveral were laid dead on the ſpot, and ſome lay ſtruggling for life; but what ſhewed a degree of cruelty unknown to Britiſh troops, was an attempt to fire upon, or ſtab with their bayonets, the perſons who undertook to remove the ſlain and wounded! At length, Mr. Benjamin Leigh, of the Delph manufactory, came up, and after ſome converſation with Capt. Preſton, relative to his conduct, adviſed him to draw off his men; with which he complied.

"The dead are Mr. Samuel Gray, killed on the ſpot.

"A Mulatto man, named Criſpus Attucks, who was here in order to go for North-Carolina, alſo killed inſtantly.

"Mr. James Caldwell, Mate of Capt. Morton's veſſel, in like manner killed.

"Mr. Samuel Maverick, 17 years of age, ſon of the widow Maverick, mortally wounded; and died the next morning.

"Chriſtopher Monk, about 17 years of age, apprentice to Mr. Walker, Shipwright, wounded; and it is apprehended he will die.

" John Clark, about 17 years of age, wounded; apprehended he will die.

" Mr. Edward Payne, of this Town, Merchant, received a ball in his arm, which ſhattered ſome of the bones.

" Mr. John Green, Taylor, received a ball juſt under his hip, which was extracted.

" Mr. Robert Patterſon, a ſeafaring man, wounded; he ſuffered a great loſs of blood.

" Mr. Patrick Carr, Leather Breeches maker, wounded.

" David Parker, an apprentice to a Wheelwright, wounded.

" The people were immediately alarmed with the report of this maſſacre, the bells were ſet a ringing, and great numbers ſoon aſſembled at the place where this tragical ſcene had been acted. The Lieut. Governor ſoon came into the Town-houſe, and there met ſome of his Majeſty's Council, and a number of civil Magiſtrates; a conſiderable body of the people immediately entered the Council Chamber, and expreſſed themſelves to his Honour with a freedom and warmth becoming the occaſion. He uſed his utmoſt endeavours to pacify them, requeſting that they would let the matter ſubſide for the night, and promiſing to do all in his power that juſtice ſhould be done, and the law have its courſe; men of influence and weight with the people were not wanting on their part to procure their compliance, by repreſenting the horrible conſequences of a promiſcuous and raſh engagement in the night. The inhabitants attended to theſe ſuggeſtions, and the regiment under arms being ordered to their barracks, they ſeparated and returned to their dwellings by one o'clock. About three o'clock Capt. Preſton was committed to priſon, as were the ſoldiers who fired, a few hours after him.

" On Tueſday the inhabitants met at Faneuil-hall, and choſe a committee of fifteen reſpectable gentlemen to wait upon the Lieut. Governor in Council, to requeſt of him to iſſue his orders for the immediate removal of the troops.

The meſſage was in theſe words:

'That it is the unanimous opinion of this meeting that the inhabitants and ſoldiery can no longer live together in ſafety; that nothing can rationally be expected to reſtore the peace of the town, and prevent farther blood and carnage, but the immediate removal of the troops; and that we therefore moſt fervently pray his honour that his power and influence may be exerted for their inſtant removal.'

His Honour's Reply.

'Gentlemen, I am extremely ſorry for the unhappy differences between the inhabitants and troops, and eſpecially for the action of the laſt evening, and I have exerted myſelf upon that occaſion that a due enquiry may be made, and that the law may have its courſe. I have in Council conſulted with the Commanding Officers of the two regiments who are in the town. They have their orders from the General at New-York. It is not in my power to countermand thoſe orders. The Council have deſired that the two regi-

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'ments may be removed to the Caſtle. From the particular concern 'which the 29th regiment has had in your differences, Col. Dal- 'rymple who is the Commanding Officer of the troops, has ſignified 'that the regiment ſhall, without delay, be placed in the barracks 'at the Caſtle, untill he can ſend to the General and receive his far- 'ther orders concerning both the regiments, and that the main 'guards ſhall be removed, and the 14th regiment ſo diſpoſed and 'laid under ſuch reſtraint, that all occaſion of future diſturbances 'may be prevented.

"The foregoing reply having been read and fully conſidered—the queſtion was put, whether the report be ſatisfactory? paſſed in the negative, (only one diſſentient out of upwards of 4000 voters.)

"It was then moved John Hancock, Eſq; Mr. Samuel Adams, Mr. William Molineux, William Phillips, Eſq; Dr. Joſeph Warren, Joſhua Henſhaw, Eſq; and Samuel Pemberton, Eſq; be a Committee to wait on his Honour the Lieutenant-Governor, and inform him, that the reply made to the vote of the inhabitants is by no means ſatisfactory; and that nothing leſs will ſatisfy, than a total and immediate removal of all the troops.

"The Committee having waited upon the Lieutenant-Governor, his Honour laid before the Board a vote of the town of Boſton, paſſed this afternoon, and then addreſſed the Board as follows:

'*Gentlemen of the Council,*

'I lay before you a vote of the town of Boſton, which I have juſt 'now received from them, and I now aſk your advice, what you 'judge neceſſary to be done upon it.'

"The Council thereupon expreſſed themſelves to be *unanimouſly* of opinion, 'That it was abſolutely neceſſary for his Majeſty's ſervice, the good order of the town, and the peace of the province, that the troops ſhould be immediately removed out of the town of Boſton; with which opinion Col. Dalrymple gave his word of honour that he would acquieſce.

"Upon the above report, the inhabitants expreſſed the higheſt ſatisfaction; and after meaſures were taken for the ſecurity of the town, the meeting was diſſolved.

"The removal of the King's troops from Boſton was the more neceſſary, as the inhabitants of the neighbouring towns actually put themſelves under arms upon the firſt report of the maſſacre at Boſton."

"A moſt ſolemn proceſſion was made through Boſton at the funeral of the four murdered youths.

"From the time of this fatal tragedy, a military guard of town militia has been conſtantly kept in the town-houſe and town-priſon, at which ſome of the moſt reſpectable Citizens have done duty as common ſoldiers.

"A Tide-waiter is in cuſtody, on his own confeſſion, that he had, by order of his ſuperiors, diſcharged a muſket ſeveral times from the windows of an office of cuſtoms among the people."

Among other matters under conſideration at the town meeting at Boſton, it was moved, to erect a publick monument on the ſpot where

the

the late tragical ſcene was acted, as a memorial to poſterity of that horrid maſſacre, and of the deſtructive conſequences of quartering military troops in a free city.

In the Boſton Gazette there is a letter of thanks from Capt. Preſton, in Boſton gaol, to the inhabitants in general, "who, throwing aſide all party prejudice, have, with the utmoſt humanity and freedom, ſtept forth advocates for truth, in defence of his injured innocence," (theſe are his words) in the late unhappy affair that happened as above related.

In conſequence of this affair, the inhabitants of Roxburgh petitioned the Lieutenant-Governor Hutchinſon to remove the troops from Boſton; and received for anſwer, "That he had no authority to order the King's troops from any place where they are poſted by his Majeſty's order;" at the ſame time acquainted them with what had been done, with the concurrence of the Commanding Officer.

A REGISTER *of* NEW PUBLICATIONS, *with their Prices and Publiſhers Names.*

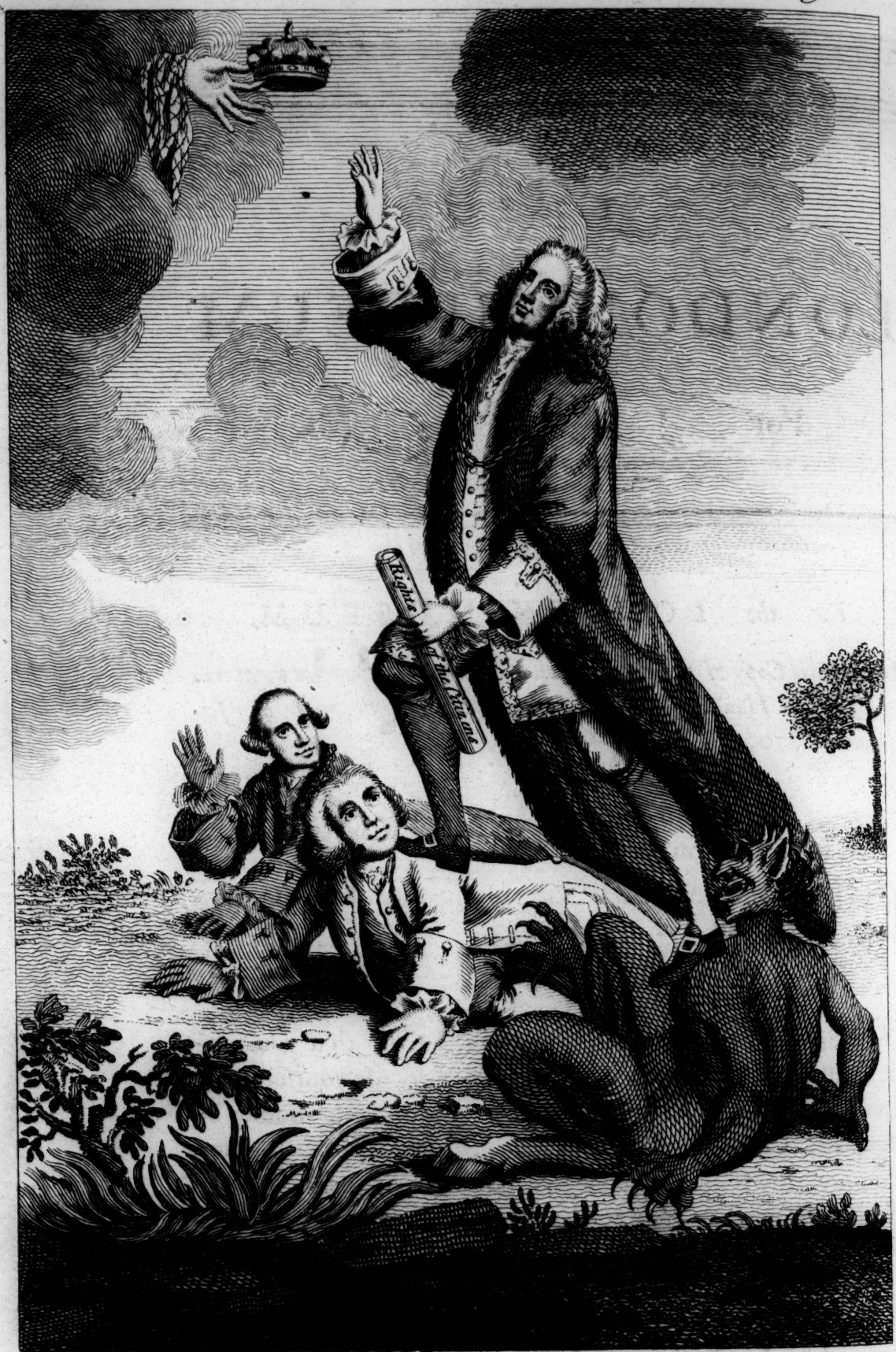
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BRITISH MUSEUM
6
FEB

Sir Robert Ladbroke aiming at a Peerage.



He walk'd with **Bute** *and was not*.

THE
LONDON MUSEUM
For JUNE, 1770.

For the LONDON MUSEUM.

An authentic Copy of the Examination of Dr. MUSGRAVE, *at the Bar of the Houſe of Commons, on Monday the 29th of January,* 1770.

Lunæ, 29°. Janii. 1770.

Dr. Muſgrave called in.

DID you publiſh an addreſs to the county of Devon, previous to the county meeting?

Withdrew.

Called in again.

Mr. Speaker. It is my duty to inform you, that you cannot be aſked any queſtion that can tend to accuſe yourſelf. No improper queſtions will be aſked you; if any ſuch ſhould be attempted, I ſhall be careful to put a ſtop to them. If they eſcape my attention, you will give me notice of them.

Dr. Muſgrave. Mr. Speaker, I deſire no ſuch exemption. I will anſwer all queſtions.

Did you publiſh an addreſs to the gentlemen of Devon?

I did, in the Public Advertiſer; that is the copy I acknowledge. The date I affixed was the 12th of Auguſt laſt. The 2d of September laſt is the date of the print.

Can you ſpeak to the contents of that addreſs?

Yes. It was an addreſs complaining of the conduct of Lord Halifax, in refuſing to examine a witneſs relating to a charge againſt certain great perſons, which I apprehended it was his duty to do.

[Paper ſhewn to him at the bar, being part of the St. James's Chronicle, which he looks over, and ſays, he believes it is a true copy of that publiſhed by him in the Public Advertiſer.]

[Paper brought up and read, being his addreſs to the county of Devon.]

What was the information you offered to give to Lord Halifax? What was the nature of it?

I delivered it to Lord Halifax in writing.

Have you a copy.

Yes. This is a true copy, I examined it with that delivered to Lord Halifax, and it has been in my cuſtody ever ſince, I gave the original to Lord Halifax. This is a true copy, except that in this copy, there is a blank for a name, which was inſerted in the original.

Is that a true copy excepting the blank?

Yes, it is. I had two informants, one was mentioned in the paper I delivered to Lord Halifax, the other was not mentioned there by name. There was only one blank in the original, and that was for the name of an Engliſh Lady. One informer was there named; the other informer was called a French gentleman.

Whether Lord Halifax did not deliver back the paper?

He did offer it to me at the ſecond meeting. He ſaid I might have it. I ſaid I never will take it back again.

Did you not take it away?

I did not. I left it with him.

Whether, when you gave the paper to Lord Halifax, you knew the name of the ſecond informer?

I did.

[Paper brought up.] He ſaid, before it was delivered in, I did not deliver this to Lord Halifax as legal evidence againſt the noble Lords mentioned in it; I never conſidered it as ſuch. This is a copy of that I delivered to Lord Halifax.]

[Paper

[Paper read, viz.]

Narrative of intelligence received at Paris.

1. The firſt hint I had of the Miniſtry having been bribed to make the peace, was at the latter end of the year 1763, from Monſieur . . . . . in a private converſation I had with that gentleman. The peace happening to be talked of, he made uſe of this expreſſion, *On croit à Paris, que milord Bute a eu de l'argent pour cela.* Tho' the words *on croit* were pretty ſtrong, and though Monſieur . . . . . 's connections gave great weight to them, I conſidered the thing as an idle rumour, and neither puſhed the converſation further at that time, nor made any enquiry about it afterwards.

2. It was not till the latter end of Nov. 1764, that I began to think the ſtory more worthy attention. Being at that time in company with three gentlemen, an Iriſhman, a Scotchman, and a Frenchman, a diſpute aroſe about the peace. The Iriſhman and myſelf condemning it, the Frenchman remaining ſilent, and the Scotchman alone approving it. The diſpute did not laſt long before the Iriſhman and the Scotchman had occaſion to go away, ſo that there remained only the Frenchman and myſelf together. Our converſation falling upon the ſame topic, he told me that he remembered to have heard, a little before the Duke of Bedford's negociation, that a ſum of money, amounting to about eight millions of livres, had been ſent into England to buy a peace; that the remittance had been made by Monſieur de la Borde, and another banker, whoſe name he did not know; and that the way this came to be known, was by the clerks talking of it among themſelves after dinner. He added, that being himſelf in company with ſeveral gentlemen, who were giving their conjectures, whether the Peace would hold or no, one of the company decided the queſtion, by ſaying, *Nous aurons la paix certainement, car nous l'avons achetée.* This was all I heard the firſt interview.

3. I communicated this account the next morning, to a Mr. Stuart, my patient, who lived in the Rue de l'Echelle, with a Mr. Maclean. Mr. Maclean was then gone out, but, upon his coming in, I repeated it to him. It occurred to me, during my converſation with Mr. Stuart, as it did afterwards

to Mr. Maclean, that the fact of money being ſent over might be true, but that the deſtination of it might be a miſtake: that in ſhort, it might be intended for no other purpoſe than to buy up Engliſh ſtocks, for the ſake of ſelling them ſoon after at an advanced price. This account appeared ſo natural, that I went home in (almoſt) a full perſuation of its being really the caſe.

4. The ſame day, or the day after, I ſaw the ſame Frenchman, my informant, again. I put this objection to him. He anſwered readily no, that was not the caſe. I knew very well, continued he, that Monſieur de la Borde ſent over a very large order for ſtocks, by the Sardinian ambaſſador's courier: but the money I ſpeak of was before that time, and at leaſt a month or two before the Duke of Bedford's arrival. Beſides, I can tell you the people to whom it was diſtributed. It was divided among three perſons: Lord Bute—here he heſitated for a minute or two. I mentioned to him the name of Lord Holland. He anſwered no; it was not Lord Holland; that was not the name; it was ..... Mr. Fox. The third, added he, was a Lady, whoſe name I do not recollect.

This, I am pretty ſure, was all that paſſed upon the ſubject at our ſecond interview.

5. The third interview was, I believe, on Monday the 3d of December. I then aſked him, whether the third perſon, whoſe name he could not recollect, was not ———? He anſwered no, it was not. That he had heard the name; that it being a name no way familiar to him, he could not, at ſuch a diſtance of time, recollect it of himſelf; but if it was mentioned, he believed he ſhould know it. At preſent, added he, I only remember that it was a Lady, and the miſtreſs of a man of great quality.

6. I had hitherto made no enquiries about his authorities. But reflecting, that a perſon who could know all theſe particulars, muſt have been very near the ſource, I thought proper to aſk him, the next time I ſaw him, from whom he had his information. He anſwered, from an officer, who, at that time, furniſhed plans to the Duke de Choiſeul's office, was of courſe greatly connected with it, and moreover dined every day with the principal people of the office; and there, added he, at table, did theſe gentlemen talk over the affair, not without

ſome

ſome ſatisfaction at its being concluded. Further ſays he, this officer, who is now at Cayenne, reaſoned thus with me about it: is it not better to buy a peace at the expence of ten millions, than to ſpend three hundred millions (if we could raiſe them) to fit our army for the field, which army, ſo fitted out, could not poſſibly do us any material ſervice.

7. I had a curioſity, continued he, to hear what the Sardinian ambaſſador's ſecretary, who was a great acquaintance of mine, would ſay to this. Happening to meet him ſoon after, I told him it was reported, the Engliſh had given a great ſum to Madame Pompadour, to buy a peace, and aſked him if it was true. The anſwer he made me was in theſe words; *ah, que vous etes bête! les Anglois donne de l'argent? et pourquoi faire? oui, oui, on a donneé de l'argent.*

8. He further ſaid, that upon Monſieur Buſſy's return from England, one of his ſecretaries having dropped ſome hints in company, *à un ſouper*, of what was going on in England, was taken up and put into the Baſtile, that he might not, by any further indiſcretion, diſcover the whole affair.

9. Upon my mentioning an intention of going to England with the news, he added, that the whole detail of the tranſaction might be known, either from Monſieur D'Eon, if he choſe to diſcover it, or from a Monſieur L'Eſcallier, a wine merchant in London, whom the Duke de Nivernois made uſe of as a ſecretary.

10. I preſſed him about the authenticity and certainty of his account; his anſwer was, as to myſelf, *Je le crois autant que je crois ma propre exiſtence.* He aſſured me likewiſe, that the affair was ſhamefully notorious in ſome houſes at Paris: *D'affaire faiſoit même ſcandale dans des certaines maiſons à Paris.*

11. I think it neceſſary to take notice of one variation, and the only one that I obſerved in his account. In the firſt interview here mentioned, the ſum of eight millions of livres *. In a ſubſequent one (I forget which) he ſaid, between five and eight millions: poſſibly this might be owing to his having heard the ſum named in Engliſh money, and never having given himſelf the trouble of reducing it to French; becauſe

* Compare this with the firſt paragraph, page 331.

cauſe the laſt time I talked with him upon the ſubject, when I deſired to know, as near as poſſible, the exact ſum, he took a little time to recollect himſelf, and then ſaid, between eight and ten millions of livres; that is, continued he, in Engliſh, four hundred thouſand guineas.

Have you any thing more to ſay?

I have, I am ready to ſay all I know.

Were thoſe all the papers you delivered to Lord Halifax?

No; ſeveral other letters.

Did you give Lord Halifax any other information?

I did.

Have you thoſe letters, or copies of thoſe you delivered to Lord Halifax?

I have [delivers in a book] the four firſt letters are copies of thoſe which paſſed between Lord Halifax and me.

[Book brought up, and letters read *.]

What was Lord Halifax's anſwer to this information?

I would firſt mention ſome previous ſteps. Lord Hertford having aſked me, if I thought it matter of further enquiry, I went to Lord Mansfield; he ſaid, he choſe n t to hear it. I then went to Dr. Blackſtone, who read my paper of information, and told me, that I ſhould carry it to the Secretary of State; that no Engliſhman would be averſe to enquire into it. I went to Lord Halifax on the 10th of May; he deſired me to come again that evening; I then ſaw him: he took the paper and read it, looked up and ſtopped; then ſaid, I was recollecting that that perſon bought ſtock at that time, but it might be with his own money. He read my letter to Lord Hertford, ſaid it was a proper one. He ſaid, if I had been in Lord Hertford's place, I would have ſent it to —— and heard what he had to ſay. On reading the ſecond letter, he ſaid this might be very deep; I would readily enquire, but it is an affair of ſuch magnitude; and then put a caſe of a man's being robbed on Hounſlow-heath, and going to Juſtice Fielding, and ſaying he was robbed by a tall, thin man, and apprehend it was the Duke of Ancaſter: there is no difference, only in the ſize of the purſe. He ſaid, if you had any

* Theſe letters (delivered back.)

any proof, I would make no difficulty of telling it to my royal maſter. In my letter to Lord Hertford, I mentioned the defectiveneſs of my information as a proof of the truth of it. Lord Halifax ſaid, I think with you, it is more likely to be true, from his knowing only a few circumſtances. The ſecond meeting was a few days afterwards. He did not ſtick to one objection. I ſet down a few arguments to uſe to him, which I left with him; I have in my pocket the ſame arguments which I ſet down a ſhort time after from my recollection. This is not a copy [reads the paper, in ſubſtance as follows.]

Narrative of intelligence is ſufficient for enquiry, tho' not for accuſation, confirmed by Dr. Blackſtone. The firſt evidence of all crimes is hearſay; rare, at firſt, to ſtumble upon certainty. All offenders would eſcape if there was no enquiry. The high quality of offenders is no reaſon for ſtopping the enquiry; it muſt be done ſpeedily: if the common people hear it and believe it, they might do juſtice after their own manner. I recommend it to Lord Halifax, as one of the French miniſters is here, whether he can be excuſed for not examining into it, &c.

What ſaid Lord Halifax?

I have acquainted the Houſe with what paſſed at the firſt meeting. After that Lord Halifax made no anſwer to the paper; nor did he controvert one of the arguments. I added, it would be an imputation on his Majeſty's ſervants not to make the enquiry. He ſaid, that an enquiry, which tended to make the affair public, was an accuſation. He aſked for proofs, and by private enquiry. I told him of D'Eon's intelligence to Mr. Fitzherbert and Sir Geo. Yonge. I referred him to them. As to the public; the whiſper was loud. He ſaid D'Eon was a man of bad character. I ſaid his characracter was good two years ago. I ſhewed him a letter from Mr. Pitt, of which I have a copy. Lord Halifax read it.

[He reads the copy of a letter, 29th December 1764, from Mr. Pitt to Dr. Muſgrave *.]

Were

* [This letter was delivered back.]

Were theſe all the papers you ſhewed Lord Halifax?

They were all.

Did you acquaint the late Dr. Blanchard with this?

Never.

Did you ſhew Lord Halifax the letter you wrote to Mr. Pitt?

I did not. I had no copy.

What was the profeſſion of this principal informant?

(Queſtion objected to, and given up.)

Could you have produced your principal informant to Lord Halifax?

No; he never aſked me for him.

Was he in your power?

My informant was then at Paris, difficult to correſpond with. If Lord Halifax would have let me correſpond with him thro' government, perhaps I might; but it would have been dangerous to him.

Withdrew.

Called in again.

Mr. Speaker. Having now finiſhed an account of papers left with, or ſhewn to Lord Halifax, you may give a further account of what paſſed.

I have finiſhed what paſſed at the ſecond meeting, on the 14th of May. On the 16th of May, I ſaw Sir Geo. Yonge. I aſked him whether he had received a meſſage from Lord Halifax. He ſaid no; I told him I had uſed his name, and the occaſion of it. We had ſome converſation. I told him what I ſaid to Lord Halifax. I underſtood, ſaid Sir Geo. Yonge, that D'Eon could give evidence.

Withdrew.

Called in again.

You will give the whole account relating to Lord Halifax.

I mentioned the converſation with Sir George Yonge, as a neceſſary preparative to the third converſation with Lord Halifax. Sir Geo. Yonge ſaid, I underſtood D'Eon could give evidence, and had alſo proofs upon paper. He ſaid that ſome gentlemen applied to him to be preſent at a meeting on this ſubject as a linguiſt. He ſaid Mr. Pitt was conſulted on the occaſion. The next morning I ſaw Mr. Fitzherbert, Sir Geo.

Yonge

Yonge was there. Mr. Fitzherbet expreſſed aſtoniſhment at my boldneſs in going to Lord Halifax. He ſaid, he would not have any thing of his writing appear. Mr. Fitzherbert ſaid, he had intelligence the French were offering money to get D'Eon's papers back. I went the ſame day to Lord Halifax, or the next day. But there is one thing further: Mr. Fitzherbert ſaid, if you would carry on the affair, you muſt apply to Mr. H. Cotes, he is D'Eon's protector. I ſaid, I am not the accuſer, I go no further than deſiring an enquiry. I went to Lord Halifax; I told him what I had learned from Sir Geo. Yonge, that he apprehended D'Eon had papers, and that he could give direct evidence, and that Fitzherbert had ſaid I ſhould go to Mr. Cotes. I told him I did not chuſe it; he is a ſtranger to me, and looked on as a meddling man. Lord Halifax ſaid, I will have nothing to do with the matter. I diſbelieve the charge: if I did believe it, as ſtrongly as I now diſbelieve it, I ſhould not think this ſufficient ground to go upon. I told him it was his duty; he ſeemed ſurprized. He ſaid his duty was to take care of the ſtate. I told him that Mr. Fitzherbert had ſaid the French were in treaty for D'Eon's papers. I made my apology for troubling him, and that cloſed my converſation with Lord Halifax.

On what day was this converſation?

Eighteenth May, 1765.

When Lord Halifax ſaid, that perſon, I think, bought ſtock about that time, What anſwer did Dr. Muſgrave give?

I did not ſay any thing.

You was aſked whether the original informant was to be produced. Did you ſuggeſt to Lord Halifax any means of getting that information?

I don't know I did.

Were there any means of getting at the man at Paris?

Very obvious ones, pointed out by my letter to Lord Hertford; but my complaint is juſt, independent of that information.

Can you recollect any thing more that paſſed at the firſt converſation between Sir Geo. Yonge and you?

Yes. Sir Geo. Yonge ſaid, I will go myſelf to Lord Halifax: I ſaid there was no occaſion, my account is ſufficient, I would not have you go.

Had you any particular reaſon for going to Sir Geo. Yonge?

In a former converſation with Mr. Fitzherbert, Sir Geo. Yonge's name was mentioned; no other reaſon.

Was it not from Lord Halifax's deſire to get all the information he could?

No; there was no deſire in Lord Halifax to get any information.

Whether Dr. Muſgrave, when he came to Mr. Fitzherbert, at any time ſaid, that he ſhould take down the converſation and the dates in writing?

No; I did not.

Did you tell us that you intended to write down that converſation to make uſe of it hereafter?

I mentioned nothing of that.

Was not you introduced on the footing of giving information to me?

I can't ſay on what footing the common friend introduced me, but my intention was to know from Mr. Fitzherbert what overtures had been made to him, or any other perſon, by D'Eon; and whether they agreed with mine. The friend did not go with me, but gave me a note to carry to Mr. Fitzherbert, which I read to him; "Mr. Fitzherbert will be "glad to ſee Dr. Muſgrave at ſuch a time in the morning."

Did not that convey an idea that you had firſt deſired to ſee me?

Yes; that is true.

What did you ſay to that friend?

I can't recollect; that I ſhould be glad to ſpeak with Mr. Fitzherbert, to know of him, whether the overtures of D'Eon were real or not, and whom they affected.

What converſation had you with that common friend?

The firſt notice I had was from Mr. Hartly, and he told me whom they affected; but I was not ſatisfied with this, and wiſhed to hear it from Mr. Fitzherbert's own mouth.

(Mr. Fitzherbert) Did you collect from my converſation that I had the ſmalleſt knowledge of D'Eon?

I don't

I don't know I did; but Mr. Fitzherbert admitted the reality of the overtures. After the names of the two Lords were mentioned, Mr. Fitzherbert ſaid, did you hear nothing of the Princeſs of Wales. I ſaid no. Mr. Fitzherbert anſwered, D'Eon ſays, the Princeſs of Wales had ſome of the money.

What do you mean by my admitting the reality of overtures?

Mr. Fitzherbert's converſation did imply, that ſuch overtures had been made to him; and when I mentioned the two Lords names, he did not contradict it; but aſked whether I heard nothing of the Princeſs of Wales? to which I made that anſwer.

Did Mr. Fitzherbert, in this converſation, expreſs that he knew Mr. D'Eon?

He did not give me to underſtand, that he knew him perſonally.

(Sir Geo. Yonge) Do you recollect, I added, "but I know nothing of the matter?"

No.

Did not I ſuggeſt the matter and manner of his coming to me, required ſome apology?

No; but I did make an apology without your deſiring it, for having uſed your name to Lord Halifax. I recollect no other apology.

Did he mention to Sir Geo. Yonge Lord Halifax's deſire of being fully informed?

I only recollect that Lord Halifax aſked, whether there was a probability of getting proofs, and of proſecuting the enquiry in ſecret? I repeated to Sir Geo. Yonge the queſtions Lord Halifax had put, whether there was any probability of obtaining proof, or a ſecret way of proſecuting it. I never ſaid, that Lord Halifax was deſirous of getting at the truth, for I never thought it.

Did you not tell Sir Geo. Yonge, that you came with a meſſage from Lord Halifax?

I did not; Sir Geo. Yonge ſaid, if you think proper, I will go and acquaint Lord Halifax with what I know, but I was not one of the party applied to, but deſired to go as a linguiſt.

Did not I ſay I knew nothing at all of the matter?

Sir Geo. Yonge did not tell me that.

(Mr. Macleane.) Did you hear that any part of the money was given to the Princeſs of Wales?

Never heard a word of her at Paris, nor any ſurmiſe that ſhe was concerned in it.

Did not you ſay to Mr. Stuart and me, that a million ſterling was paid for the peace, 500,000l. to the Princeſs of Wales, 250,000l. to Lord Bute, and the reſt to Lord Holland?

I never did ſay it.

[Dr. Muſgrave deſires to ſay ſomething to Mr. Macleane.]

What have you to ſay to Mr. Macleane?

Mr. Macleane was the perſon to whom I talked of this affair at Paris, and whom I conſulted, whether I ſhould go to England; I received a letter, dated 9th Dec. 1764, from him, "That he had formed a reſolution of diſcloſing it to Lord Holland's ſon; that he had great obligations to Lord Holland; that he had concealed to the laſt, &c."

[Produces original letter; read—a copy of which is as follows.]

SIR, *Paris, 9th Dec.* 1764.

YOUR leaving town, without calling upon Stuart and me as you promiſed, has occaſioned my taking a ſtep which muſt be diſagreeable to you, but which was unavoidable in my circumſtances, without I could ſubmit to break through every tye of gratitude. You muſt have perceived with what degree of anxiety I combated your reaſons for the demarche which you have made. I ſtrove to ſhew, as well the folly as the improbability of the ſtory to which you gave ſo eaſy credit. I had but one argument remaining, which your ſo unexpected departure has deprived me of an opportunity to uſe, which was, that I am under obligations to one of the perſons concerned, which render it incompatible for me to be the repoſitory of any ſecret prejudicial to his intereſt or honour. *I had my reaſons for deferring this argument to the laſt*, hoping thoſe I had uſed, and your own ſenſe, would have determined you to drop your deſign. I had therefore no other choice left, when acquainted with your departure, than to diſcloſe the whole to

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the ſon of the gentleman I hint at, who reſides at preſent in Paris; ſtipulating, that nothing prejudicial to your intereſt ſhould accrue from the diſcovery I ſhould make.

This gentleman treated the ſtory with ſo much contempt, that I know not whether he will take the trouble to advertiſe his father of it or not. But, at the ſame time, I think it incumbent upon me to let you know, what I have been very unwillingly obliged to do, that you may regulate your conduct as you pleaſe, without having it in your power to blame me. You will, perhaps, think it very improper for me to adviſe you after what has paſſed; but if you will conſider that this is an attack upon the character of men very high in power, without means of proof; or, let me add the probability of truth, having its ſource certainly from a ſpirit of gaſconade or of vanity, you will, from a principle both of honeſty and prudence, drop your purpoſe.

You may be inclined to think, that your diſcovering your deſign to me implied a confidence, and required ſecreſy, tho' you did not exact it from me. I have weighed well both ſides of the queſtion, and I find, that my retaining the ſecret, would have rendered me unworthy of the protection or friendſhip of any man, while my diſcovering it has proceeded entirely and unavoidably from your withdrawing that confidence, by departing without calling upon us as you promiſed; and ſome days before, you told us you would, which I muſt repeat it, put it out of my power to acquaint you, *as I always intended*, that if you perſiſted, I would, as I have done, diſcover the whole.

I am, SIR,

Your moſt obedient

To S. Muſgrave, Eſq; humble ſervant,

phyſician,

Southampton-ſtreet, London. L. MACLEANE.

What anſwer did you make to it?

An anſwer of which I kept no copy. I writ a letter, deſiring not to take lodgings, and that I would explain myſelf more particularly when I had ſeen Mr. Stuart.

(Mr. Macleane.) Did you not write another, implying, that you could not go to Paris to call me to account for fear of the Baſtile, and of injuring his evidence?

I did

I did not write ſuch a letter. The firſt letter I wrote was after talking with Lord Halifax, who adviſed me to go back to Paris, and I ſaid I would not, and wrote 14th Dec. 1764. Lord Halifax aſked me, what colour I would give to my journey to London, that I might not be ſuſpected of bringing intelligence; ſhould it not be thought ſeeing my friends. I ſaid there was another more plauſible, the vacancy of a phyſician to the Charter-houſe. I wrote to Mr. Macleane, to let him know there was no chance of phyſician to the Charter-houſe, and deſired the ſame lodging. I mentioned this to Lord Halifax.

How many hours was you from leaving Paris to be on board at Calais?

I left Paris at ſeven o'clock in the morning, on Friday. I lay at Bologne on Saturday night, I got to Calais, and went on board at twelve o'clock on Sunday.

Was not you at your window in your lodgings at one o'clock on Friday, the day you mention you left Paris?

No; I was not. I ſet out at ſeven o'clock in the morning.

What was your motive for firſt going to Mr. Fitzherbert?

I had heard from Mr. Hartly, that D'Eon's overtures had been made to Mr. Fitzherbert; and therefore thought him the propereſt perſon to aſk, whether it had or no.

Did you aſk Mr. Fitzherbert, whether he had ſuch overtures from D'Eon?

I don't remember the particular converſation, but Mr. Fitzherbert's converſation admitted and implied it.

Do you recollect the overtures ſuppoſed to have been made by D'Eon to Mr. Fitzherbert?

They were, as I underſtand, to accuſe two Privy Counſellors of having received money for the Peace.

(Sir Geo. Yonge.) Where was the meeting of Sir Geo. Yonge, Mr. Fitzherbert, and you?

I found Sir Geo. Yonge at Mr. Fitzherbert's at breakfaſt-time—Is ſure Sir Geo. Yonge was there.

From whom had you the information of D'Eon's overtures?

The firſt was from General Conway. He firſt gave me a hint of it.

What was that hint?

When

When I told him the ſtory, Mr. Conway aſked me if I had ſeen D'Eon; he ſaid, I hear he has dropped hints. I told him I never would ſee him. I ſaid, I will avoid all poſſibility of concert with any one. After this, I went to Mr. Hartly, and deſired him to enquire. He deſired firſt to conſult Sir Geo. Saville. Sir Geo. Saville came to us, I could not tell him the particulars, but only that there was ſuch a charge. Sir Geo. Saville thought it was right to conſult the Duke of Newcaſtle. He went to him. I was not preſent; but I heard, that the Duke of Newcaſtle ſaid, Fox was rogue enough to do any thing, but thought he was not fool enough to do this. The Duke ſaid, he could not adviſe them to meddle in it, for D'Don will be bribed, and then you will be left in the lurch. I heard this converſation from Sir Geo. Saville, or Mr. Hartly; from one of them, in the preſence of the other. They both went to the Duke of Newcaſtle.

(Mr. Conway.) What was the nature of his firſt application to me?

The nature of my firſt application to Mr. Conway was, I wanted to know how to convey a letter to Lord Hertford, not to be opened, to inquire whether the informant was apprehended. I had deſigned preſenting a paper to the Houſe of Commons, ſetting forth the information. He aſked me the particulars, and ſaid he would not encourage ſuch application to the Houſe of Commons without a ſhadow of probability; and then aſked if I had heard that D'Eon had dropped hints, and whether I would go to him. I ſaid no, I would not. Mr. Conway added, at the ſame time, I think it the duty of every man to come at truth in every ſtation.

Had you then any reaſon to believe that D'Eon had evidence to corroborate your information?

No; not at that time: it was from Mr. Conway that I firſt heard that D'Eon had dropped hints; but I think he mentioned it, as having it only from report, not as knowing it; as a caſual matter of converſation.

When was this converſation?

Ninth January, 1765, the day before the opening of the ſeſſion.

Had he then communicated the matter to his Majeſty's miniſters?

Not

Not to Lord Halifax, only to Lord Holderneſs. I ſaid I was under apprehenſions for the ſafety of my informant, and therefore had concealed the abſurd deſign of preſenting my petition, which I gave up.

Was not this previous to the information given to Lord Halifax, and before you knew any thing of D'Eon's evidence?

The firſt time (9th Jan.) was previous to hearing any thing of D'Eon, but I went and converſed with Mr. Conway ſeveral times after; and, after I had been acquainted with D'Eon's overtures, he ſaw Lord Hertford's letters and anſwers, and approved of them.

Did I not refuſe to tranſmit the letter?

You did; but ſaid it was a proper letter. I wrote four letters from Holland to Mr. Conway, but never received any anſwer.

Did you ever give any further information to Lord Hertford than in the four letters read?

No.

Had you any intimacy with your informants at Paris?

It would be improper to anſwer that queſtion, but they are men of credibility.

Had you any other information of D'Eon's overtures, but from General Conway?

The firſt intimation was from General Conway; then I applied to Mr. Hartly. Mr. Hartly told me, that D'Eon's letter was ſent to Mr. Fitzherbert. Afterwards he informed me more fully, and named the two Privy Counſellors and the lady. He ſaid, the Lady is the Princeſs of Wales. I ſaid, it can't be, becauſe my informant would not have forgot the name; and named another Lady, the miſtreſs of a man of quality.

Do you underſtand this overture of D'Eon's was contained in a letter to Mr. Fitzherbert?

Mr. Hartly told me ſo. I met him in a chair, and he ſaid, all I have heard is, that D'Eon's letter was ſent to Fitzherbert; that Mr. Pitt had been conſulted, and had written a letter, diſſuading them from proceeding. Mr. Hartly never told it me from his own knowledge.

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Are you ſure that this information was contained in D'Eon's letter?

No. Mr. Hartly never informed me how he came by the information, but ſaid it was contained in a letter to Mr. Fitzherbert. Afterwards he named the two Lords, but not from whom he heard it.

Did you aſk Mr. Fitzherbert the particulars of the information received from D'Eon?

Our converſation was not above five or ſix minutes, when Captain Hamilton interrupted it. Mr. Fitzherbert ſeemed diſpoſed to continue the converſation in his preſence, and aſked me the employment of my informant. So I took my leave, thinking Mr. Fitzherbert authority ſufficient.

Why did not you purſue the enquiry at the ſecond meeting?

I did not go to Mr. Fitzherbert again, becauſe I was ſatisfied, and thought no further authority neceſſary; that he could not ſay it lightly and to a ſtranger he never ſaw before.

Did not you require particulars of the information?

I wanted only to ſettle the fact, whether overtures had been made.—But whether they had been made or no, I then thought it was the Magiſtrate who was to enquire into the matter.

Had you any reaſon to think that overtures had been made by D'Eon, except from converſations with Mr. Conway and Mr. Hartly before your firſt ſeeing Mr. Fitzherbert?

I had none.

Did you underſtand overtures were made by D'Eon directly, or through another perſon?

That was never explained.

(Dr. Blackſtone.) Are you ſure I directed you to go to Lord Halifax?

Not directly to Lord Halifax. Doctor Blackſtone ſaid, you muſt by all means go to the Miniſtry. It is an affair of an alarming nature. He ſent three days after to know if I had been; for he ſaid, if you had not, I ſhould think myſelf obliged, as a ſervant of the Crown, to go and give it myſelf.

Did not I uſe topics of diſcouragement?

He ſaid, I pity you for what you muſt go through. That was all.

(Mr. Fitzherbert.) What words did I uſe to you?

I can't ſay the preciſe words uſed by Mr. Fitzherbert, as to the two Privy-Counſellors, but after I had mentioned their names he acquainted me they were the perſons named by D'Eon, and then aſked if I had heard nothing of the Princeſs of Wales. I ſaid, No. And then he made the anſwer I mentioned before, which, I think, implied an acquieſcence.

Was my anſwer confined only to the two noblemen?

I can't recollect his words, but from the tenor of our converſation he acquieſced.

Did you apprehend my information went to any one elſe?

After the names of the noblemen were mentioned, he then ſaid, Did you hear nothing of the Princeſs of Wales? I ſaid, No: Mr. Fitzherbert replied, D'Eon ſays, "the Princeſs of Wales had ſome of the money."

(Mr. Blackſtone.) I took a minute of what paſſed beteewn us; which I will mention to Dr. M. I took it immediately and communicated it the ſame day to an intimate friend, and it has never ſince been out of my cuſtody.

The reading of this paper poſtponed for a ſhort time.

Did you ſhew this intelligence to any other perſon?

Mr. Hartly deſired leave to ſhew it to Lord Rockingham, and to the Duke of Portland; but don't recollect any other perſon. I never ſaw either of thoſe noblemen.

Did you at any time before your advertiſement, which has been read, ſhew it to any other perſon?

Mr. Conway, Col. Barré. I did not ſhew it to Sir Joſ. Yorke, but talked on it to him at the Hague.

Did you explain it to him?

Only what it related to. I ſhewed it to Sir John Cuſt, and left it with him a week. Not to Dr. Markham, but mentioned it to him. To Dr. Barrington I did. Not to the Biſhop of Glouceſter.

Did any one perſon to whom you ſhewed it, deem it worthy of credit or foundation to proceed upon it?

Dr. Blackſtone deſired me to carry it to the Miniſtry. Sir John Cuſt ſaid it ought to be inquired into. Mr. Conway

ſaid

ſaid every man, in every ſtation, ſhould do all in his power to bring it to light. This he ſaid when he was out of place.

(Col. Barré.) At what time did you come to Col. Barré?

On the 12th or 13th of May, 1765, he ſaid, I don't believe the charge. I ſaid, is there not foundation to enquire on. He ſaid, to be ſure, many plots have been found out in England upon leſs foundation; but I don't believe it. Many other things might paſs.

Did you not wiſh Col. Barré to ſtir this matter in Parliament?

Yes; I thought it ought to be done immediately. I thought Lord Halifax tardy. I thought the evidence would be loſt. It was indifferent to me where truth lay. Col. Barré ſaid to me, he was at that time much acquainted with Lord Bute, and did not believe it.

Did you not leave the paper with me two or three days?

I left them about twenty-four hours.

Can you recollect what paſſed the laſt two or three minutes?

It related to Mr. Maclean's letter.

Did not I tell you that this intelligence having paſſed thro' the hands of great and honeſt men, did throw a damp upon the enquiry?

I don't recollect it.

Were not theſe the laſt words I ſaid; after the gentlemen you have ſhewn it to, I think it an honour you do me in ſhewing it to me; and in return, I think it right to give you advice, and that is, that you think well before you go on ſuch dangerous ground?

I don't recollect it; but it might be ſo.

(Lord Beauchamp.) Did not you go to France to get information on this point on purpoſe?

No; I went there with no ſuch intent.

Are you ſure Lord Halifax told you that he thought Lord Hertford ſhould have proceeded on that information?

Lord Halifax ſaid, if I had been Lord Hertford I ſhould have ſent to ——— to know what he had to ſay.

If the French ſubjects had been examined, would they have anſwered?

I left that to chance; if they had denied it, I ſhould have done with it.

Did not you intimate that one of the informants expected an eſtabliſhment in this country before he would give information?

When I talked with Mr. Conway, he ſaid you may depend upon it the man will not diſcover without an aſſurance of being taken care of in England. It did not come from me, but Mr. Conway.

Was not the ſecond informant a perſon in very indigent circumſtances?

I can't anſwer that directly, but by another queſtion, Whether Lord Beauchamp did for that reaſon think him unworthy of his acquaintance.

(Mr. Blackſtone.) Produces a minute taken immediately after Dr. Muſgrave had been with him, the 10th of May, 1765, at half paſt eleven o'clock in the morning.

" Dr. Muſgrave came and ſhewed me a written converſation between him and Mr. Le Beau, in the latter end of 1763; where he declared that it was believed at Paris that Lord Bute had received money for the peace; and many other converſations with another French Ambaſſador. The ſum of the account was this, That eight or ten millions of livres had been remitted by a French Banker, juſt before the D. of Bedford went to France. That this was divided between Lord B. Mr. F. and a Lady, name not mentioned; and that Mr. D'Eon or Mr. Deſcalier, could inform him of particulars. He alſo ſhewed me Lord Holland's letters and anſwers. He told me he had communicated it to General Conway, and that he had learnt from Mr. Fitzherbert that D'Eon tells the ſame ſtory, except that he mentions the Princeſs of Wales, which Dr. M. obſerved might be no inconſiſtency, if a Maid of Honour's name only was made uſe of, and the money paid over by her to the Princeſs Dowager of Wales. Dr. Muſgrave ſeemed to be attached to D'Eon's cauſe, and believed the ſtory of his aſſaſſination being attempted by Count de Guerchy, and his coffers being ſearched. He aſked me if this was ſufficient to juſtify bringing it before the Secretary of State. As our acquaintance was ſmall I was ſurprized. I told him that the affair was delicate, both as to things and perſons; and that he ſhould well conſider the conſequences

ſequences if his friend ſhould deny it. He ſaid his friend was a man of honour, and knew he left Paris for that purpoſe. I begged to be excuſed adviſing him, but he would do right to conſider, that it would depend on conviction of his own mind, and his friend's veracity. It was equally a duty to diſcloſe ſuch a tranſaction on good foundation, and to ſtifle it in the birth, if founded on malice or ignorance. We parted, and he ſeemed inclined to proceed. I don't recollect the converſation he mentions three days after. It might be. I thought him ſuch an Enthuſiaſt as might have diſordered his imagination."

(Mr. Speaker.) The Honourable Gentleman delivered to me a copy of the paper he has now read; which has been in my cuſtody ever ſince.

(Dr. Muſgrave.) As to the ſecond converſation, Dr. Blackſtone will recollect it if I ſhew him his note, deſiring me to come to him. I have not that note about me, but I am ſure it is ſtill in my poſſeſſion. I don't know what Mr. Blackſtone thinks of my enthuſiaſm, but I remember he trembled, ſeemed much affected, and let the paper drop, as in great agitation.

(Sir Geo. Yonge.) After I had expreſſed my ſurprize at his coming to me, he told me he had laid the matter before Lord Halifax, who was willing to receive information from any gentleman whatever. He preſſed it ſo ſtrongly that I thought he came with a meſſage, but he did not ſay that. I ſaid if Lord Halifax will ſend for me I will wait on him, but I know nothing at all of the matter, with regard to the ſecond meeting at Mr. Fitzherbert's, nor did I know he had told the ſtory to Mr. Fitzherbert till I ſaw it in the papers.

(Mr. Fitzherbert.) I never remember being in the ſame room with Sir Geo. Yonge and Dr. Muſgrave. Dr. Muſgrave came and talked in the ſame ſtile, and told me the ſtory he ſays I told him. I don't remember I ſaid any thing at that time. The Doctor came and told me this ſtory. I will do myſelf the juſtice to tell all I knew at that time, though I don't recollect I told it him. We were then a good many of us in a Society in Albemarle-ſtreet. I had an office in that Society. When he had told me all he had to ſay, I wiſhed to

change

change the ſubject; he would not; ſo I told all I knew of it. Capt. Cole, a gentleman of great admittance, had come to me, and ſaid, D'Eon deſires me to tell you he is apprehenſive of being taken away by force, on account of a quarrel with Count Guerchy, in which Miniſtry would aſſiſt him. He deſired me to communicate it to the Society, which I did. He recommended D'Eon as an agreeable man. I communicated it to Sir Geo. Yonge, and deſired him to go with me becauſe he could ſpeak French, which I could not eaſily. No day was appointed. We never did meet. I never knew Mr. D'Eon: I never received a letter from him. As to going on with the convocation and naming the Princeſs of Wales, I have nothing to ſay to that, I have no trace of it in my memory: It muſt depend on our veracity; nor had I any direct meſſage, but from Captain Cole, from D'Eon, as to his apprehenſions of being taken away.

(Mr. Speaker.) Dr. Muſgrave, would you aſk theſe gentlemen, or either of them, any queſtions?

(Dr. Muſgrave.) I was not prepared for theſe anſwers; and I have no queſtions to aſk them, only of Mr. Fox one queſtion.

Had you any converſation with Mr. Hartly, or Mr. Tyrwhit, on this occaſion?

Never; directly or indirectly.

(Dr. Muſgrave.) Mr. Hartly could give the Houſe information on this ſubject.

Is he here?

No; he is out of town.

(Mr. Macleane.) In the year 1764, Mr. Stuart and I went to Paris, in April; Mr. Stuart was ill, and deſired to be attended by an Engliſh phyſician. I did not know Dr. Muſgrave at that time. On enquiry, I found two Engliſh phyſicians there, Dr. Gem and Dr. Muſgrave; I then went to Dr. Muſgrave, and he attended Stuart as his phyſician. In that attendance he very abruptly told me he had a ſecret of the utmoſt importance. The next day he mentioned it again, and before Mr. Stuart he ſaid that the peace had been ſold; that a million of money was paid for it; one half to the Princeſs of Wales, and the other half to Lord Holland and Lord Bute. I ſaid it was a great ſecret indeed, but he ought to have good authority, as they

were

were names of weight. I told him, I wondered he ſhould truſt his ſecret to me, a ſtranger to him. He ſaid, we agreed perfectly in political ſentiments, and therefore he mentioned it. I adviſed him to be cautious. He ſaid he was certain, and told me who were his intelligencers, and that from the nature of their offices, they could not receive any hurt from it. When he told me who his intelligencer was, I preſſed upon him why it could have no foundation in truth, that I had ſufficient reaſon to wiſh him to conceal it, and deſired him to conceal it, and deſired him to call on me for it before he left Paris. Among other reaſons I uſed, was that which he mentions in his narrative, came from him. I mentioned Le Borde's intimacy with two perſons acquainted with the peace, and therefore probably it might be for that purpoſe. He told me he ſhould leave Paris in a few days; I preſſed him to give up his deſign, and that I had ſomething to communicate to him before he went. He promiſed to dine with me. On his coming, I was under apprehenſions, and expreſſed them to Mr. Stuart. Major Maclane and I went to his hotel, and though we ſaw the Doctor look out of the window, we enquired for him, and the ſervant ſaid he was not at home, but that he was in Paris. I enquired again in the evening. They told me he went in the afternoon of that day. I then went and wrote my letter, which has been read, having told Mr. Fox the thing mentioned in the letter. When I received Mr. Fox's anſwer, I ſent a ſervant expreſs, who could not overtake him; the letter was forwarded, I received two anſwers from him, the firſt I have loſt, it was to call me to an account for what I had done; in this, which is the ſecond, and is very ſhort, he ſays, the only reaſon he could not return was, his apprehenſion that he might injure the perſons from whom he had the intelligence. I have frequently mentioned this to Col. Barré, Mr. Sheriff Townſend, and ſeveral others. As our ſtory differs materially in point of fact, the Houſe will weigh whether I could have ever had any inducement to frame this tale.

(Dr. Muſgrave ſays, he never wrote a letter to call him to account.)

Letter read. "I beg to be excuſed from anſwering your letter at preſent till I ſee Mr. Stuart, &c." I did, on my honour,

honour, receive another letter, and ſhewed it to ſeveral perſons.

(Dr. Muſgrave aſks.) Did you decline introducing me to Col. Barré?

Yes.

Did you not invite me to dine with Col. Barré?

Yes—But you aſked me to introduce you on this buſineſs, and I declined it.

(Colonel Barré.) Mr. Macleane invited ſeveral young men and me, and Dr. Muſgrave to dinner, but no form of introduction. That was the only time I ſaw Dr. Muſgrave, till he called on me in London.

(Mr. Macleane.) He told me he would apply to the Houſe of Commons, &c. I ſaid you had better apply to Col. Barré, who will make you drop your proceedings, though I cannot.

(Colonel Barré.) I often heard Mr. Macleane ſpeak on this occaſion. He had given me a favourable impreſſion of Dr. Muſgrave's character. That was the reaſon I gave him the advice I did.

As you mention D'Eon in your paper delivered to Lord Halifax, why did you ſay that you firſt heard D'Eon's name mentioned by Mr. Conway?

It was at Paris that I firſt heard D'Eon could diſcover it; but from Mr. Conway that D'Eon was diſpoſed to diſcover it. Mr. Conway ſpoke of it as a report, that D'Eon had dropt hints of this matter, and then aſked me, if I had heard it, and would go to Mr. D'Eon. I ſaid I would not.

Have you any thing elſe to ſay, or any other information to give to the Houſe.

I would make ſome remarks on the information which I received at Paris. I told Lord Halifax when I firſt ſaw him, that this was not mere coffee-houſe diſcourſe, but that I had received my intelligence from perſons of credit. I mentioned to him the Secretary of the Sardinian Embaſſy. That the paper I then left with him was not evidence. That I never conſidered it as ſuch, but merely as a ground of further enquiry. I apprehend that enquiries made by magiſtrates, are previous to evidence. That when evidence is once given, there is an end of enquiry. That it is uſual for magiſtrates

to

to iſſue their warrants to apprehend and commit perſons merely on ſuſpicion, and this without evidence. I deſired that he would, in the firſt place, ſend for Sir George Yonge, and Mr. Fitzherbert, which I conceive he ſhould have done. Indeed they were then both out of place. Why did he not ſend for them; that would have ſatisfied me If they had confirmed what I had ſaid he ſhould then have ſent for D'Eon and have proceeded in the enquiry. This will be a ſtanding leſſon and example; an example what magiſtrates are to do in future. There may be hereafter, whatever there is now, real ground for ſuſpicion of ſome conſpiracy, the neglect of which may be attended with fatal conſequences, and all men will be deterred from attempting to make the neceſſary diſcoveries. *Withdrew.*

Sir G. Oſborne then obſerved on the whole, that the manner in which the Doctor got his evidence was futile in the higheſt degree, amounting only to Coffee houſe diſcourſes, with men of no account or poſſibility of knowing the things alledged; that it had appeared ſo not only to Lord Halifax, but alſo to many gentlemen in oppoſition, to whom the Doctor's ſecret had been entruſted, and who every one gave the ſame opin on; that the Doctor appeared to him the laſt miſerable engine of a deſpairing faction. He truſted Lord Halifax was acquitted in the eyes of the whole Houſe, from obſtructing, in any degree, public juſtice, as indeed he had been from many other equally malicious charges on him; in particular that of General Warrants, in which it appeared to be againſt his own opinion; but over-ruled by the opinions of the law officers, and the practice of former Secretaries, he had acted in them from his hand not his heart.

He therefore moved, "That the accuſations brought by Dr. Muſgrave againſt the Earl of Halifax, were in the higheſt degree frivolous; the evidence he brought not being, in any degree, ſufficient to proſecute an enquiry on."

Mr. Coxe ſeconded the motion, but obſerved, "That it was an infamous aſperſion that Dr. Muſgrave was the tool of a faction, he not being in any ſhape employed by any gentleman in oppoſition, but acting entirely from himſelf."

The motion was carried: and the Doctor immediately returned into the country.

Continuation of the Proceedings of the Houſe *of* Commons, *from page* 282.

April 26, 1770. THIS day Mr. Alderman Trecothick moved, " That an Addreſs be immediately preſented to his Majeſty, deſiring that his Majeſty would give orders, that copies of all letters to the Secretaries of State, the Board of Trade, &c. which contained any narrative of the late unhappy affair at Boſton; together with copies of the inſtructions ſent by his Majeſty's Miniſters to his Governors in North America ſince June laſt, might be laid before the Houſe of Commons."

Lord Hillſborough and Lord North, who had heard of this motion before it was made, would fain have perſuaded Mr. Trecothick not to make it; aſſuring him, that ſuch an Addreſs was unneceſſary; as the papers would certainly be laid before Parliament, without it. But Mr. Trecothick did not chuſe to truſt to their aſſurances; and accordingly made his motion. The Adminiſtration were afraid to oppoſe it. In fact, they durſt not. But Colonel Mackay ſaid, " He ſaw great danger in it, if it was not altered; as perhaps there might be ſome part of the letters which did not relate to the affair at Boſton; and at all events, the writers names, and other names in the letters, ought not, as had been too much the cuſtom, laid before the Houſe."—Mr. Grenville concurred in this ſentiment, and enforced it exceedingly well in a very fine Speech; " inſtancing a variety of inconveniencies which might ariſe from ſuch a circumſtance, and ſome which actually did ariſe from laying the whole of the papers, with all the names, before the Houſe, in the caſe of the Stamp-Act; and other matters ſince." Upon theſe arguments, the motion was amended, by adding " *Extracts or* Copies of all the Letters," &c. and the writers names, as well as other names in the letters, were omitted.

May 1. The Houſe, in a Committee, went upon Mr. Herbert's Bill. Lord North propoſed an alteration which gave offence; and, in ſhort, by a variety of alterations made by the Miniſtry, the nature of the Bill had been almoſt wholly changed;

changed; which Mr. Herbert not approving of, he got up and moved, "That the Chairman might leave the chair;" which being agreed to, an end was thus put to this famous Bill.

May 3. A motion was this day made by the Hon. Boyle Walſingham, on the late extraordinary prorogation of the Iriſh Parliament, which he introduced by a ſpeech, wherein he ſaid, "That the ſtate of Ireland was moſt deplorable; that, in conſequence of the laſt unexpected prorogation, the following temporary laws had expired; the act for aſſigning judgments, by which the Roman Catholics could alone obtain landed ſecurity for their money; that the tax upon hawkers and pedlars had ceaſed, which had been appropriated to the ſupport of the Incorporated Society for building Proteſtant charter ſchools; that 2800l. granted for public works, &c. would remain unappropriated in the Treaſury; that many uſeful laws, regarding the late inſurrections, and the tillage and improvements of the country, had expired;" and concluded with moving, "That the inſtructions, in conſequence of which Lord Townſhend prorogued the Iriſh Parliament, ſhould be laid before the Houſe."

Seconded by the Hon. Conſtantine Phipps.

Right Hon. George Grenville. "That the late prorogation was unconſtitutional; that the Stuarts had ever been deſirous of ruling without Parliaments; that prorogations always followed grants of money, as was the caſe lately in Ireland; that Adminiſtration had given up the prerogative of the Crown, to obtain the late augmentation in Ireland; that Lord Townſhend's meſſage, and the King's promiſe, were contrary to two Engliſh acts of Parliament—the act of the laſt ſeſſions, repealing the 10th King William, and to the 13th of Charles II. veſting the power and diſpoſition of all the land and ſea forces in the Crown; that if this promiſe was obſerved, it would be in contradiction to thoſe two ſtatutes; he believed deceit and deluſion had been hung out to the Iriſh Parliament, to induce them to come into the augmentation."

He then moved, that the papers relative to the augmentation alſo might be laid before Parliament.

Lord North. "That the prorogation of the Iriſh Parliament was unavoidable; the Miniſter would be impeachable if

he had adviſed otherwiſe—the Reſolution of the Houſe of Commons, contrary to Poyning's Law, the grand bond of the dependance of Ireland upon England; warranted by the precedent of Lord Sydney, in 1692; that founded upon that, he had adviſed the Lord Lieutenant's Proteſt, and the prorogation of the Iriſh Parliament; that he affirmed his Majeſty's bounty from his Privy Purſe would be extended to the Incorporated Society; that the augmentation could be obtained from Ireland upon no other conſideration, than the King's promiſe of 12000 men being ſtationary at all times in that country."

Sir William Meredith. "Sir, I ſhall beg leave to revert to the original propoſition of my Honourable Friend, Conſideration of the prorogation of the Iriſh Parliament; and, in order thereto, a ſummary view of Poyning's Law, and thoſe ſtatutes which are derived from it, deſerve your attention.

"The hiſtorians of thoſe times inform us, that the 10th of Henry VII. was deſigned as a curb to the power, not of Parliament, but of the chief Governors; the act itſelf declaring, that the bills to be paſſed in Parliament ſhould be certified over, under the Great Seal of Ireland, previous to its commencement. The great inconvenience of this regulation induced them to enable the Council, by the 4th and 5th of Philip and Mary, to tranſmit Bills, over-ſetting the Parliament; but, Sir, it is obſervable, that no mention is made of money bills in any of thoſe ſtatutes, and this act was twice ſuſpended in the times of Henry VIII. and of Queen Elizabeth, to clear up ſome doubts, I conceive, which had ariſen, relative to the ſole right of the Commons, to originate money-bills. Now, Sir, I totally differ from the noble Lord; that this reſolution of the Houſe of Commons was contrary to Poyning's Law, or that the precedent of 1692 is in point. It is contended that the Council have by law a right of originating money-bills; the practice, it is acknowledged, has been for all grants to proceed from the Houſe of Commons, and the firſt grant of tonnage and poundage the 17th of Henry VII. in Ireland is declared in the preamble to proceed from the Commons. Admitting that they have a concurrent right, the late reſolution of the Commons of Ireland, viz. 'That this bill be rejected becauſe it did not take its riſe in this houſe,' means no more

more than this, two modes of originating money-bills being propoſed, we conceive that of the Houſe of Commons to be the ſuperior, and therefore reject this Bill (which it is acknowledged they had an indiſputable right to do) becauſe it originated in the Council, and not in this Houſe, which we conceive to be the better mode of the two. I do ſay that the Houſe of Commons had a right to give this for their reaſon; and that it did not impugn in the leaſt the validity of the ſtatute in queſtion.

"Had the Houſe of Commons aſſigned the reſolution in 1692, viz. "that this bill be rejected becauſe it is the excluſive right of the Commons to originate money-bills, which, I am informed by ſome leading men in that country, was at firſt propoſed, but afterwards moderated to the preſent form; this would have impugned the claim of the Council; but at preſent neither proteſt nor prorogation is founded upon the precedent of Lord Sydney, in 1692.

"I ſhall not, at preſent, comment upon the violation of the privileges of both Houſes of Parliament by Lord Townſhend's proteſt, but content myſelf with obſerving, that in a ſpeech of Sir George Macartney's (in the LONDON MUSEUM, No. 3.) printed, as it appears to me, in juſtification of this meaſure; he ſays, That this Council money-bill was a fine which they paid for the renewal of Parliament, and pointed to a leading man of great abilities in that country; telling the Houſe at the ſame time, that he had loſt his place of Chancellor of the Exchequer for impeding the progreſs of a ſimilar bill at the commencement of his preſent Majeſty's reign, recommending it to others to avoid a like fate. Sir, I do contend that the proceedings of Adminiſtration in Ireland have been moſt arbitrary and oppreſſive. This Houſe has a coercive power over Miniſters in every part of the Britiſh Empire; and I hope that the afflicted country of Ireland will obtain from the Legiſlature here, that reparation which her own Parliament can no longer give her; and that your policy and intereſt will induce you to do that which juſtice loudly demands from you."

The Houſe at length divided upon the queſtion, when 66 were for it, and 140 againſt it.

May 8.

May 8. Governor Pownal brought forward his motion, which he prefaced with a very long and elaborate ſpeech. Several papers were read, the commiſſions of Sir Francis Bernard, of Ld. Loudon, of Gen. Gage, and ſome meſſages of the Aſſembly of Boſton. He ſaid thoſe papers laid before the Houſe that ſtate of his Majeſty's government in America, which his Majeſty had in his Speech referred to the conſideration of Parliament. That the Houſe was hereby called upon to take the nature and operation of thoſe powers in conſideration, and to examine how the Miniſters here, the Commanding Officers and Governors in America on one hand, and the people on the other hand, acted and behaved under thoſe powers; that the Houſe muſt examine the right of things as well as matters of fact, that they might come to the cauſes of the preſent alienation amongſt the Americans towards this country and government; that the Houſe ought to enquire what could have made ſo great an alteration in a people once ſo loyal, ſo affectionate, and dutiful. He ſpoke very particularly to the merits and ſervices of the people of New England, and of their zeal for the ſervice of their country; and ſaid, there was a time when this country was threatened with an invaſion; that if the French had landed in England, thoſe New-England-men would have been ready to have come over at their own expence to the aſſiſtance of their native country, as they always hold England to be. But that matters were now widely different; we were ſending over an army to America under pretence of ſecuring the obedience of thoſe very people, now conſidered as rebels, and juſt upon the point of revolting. He was very long and particular in deſcribing the unjuſtifiable eſtabliſhment of that army, as ſuperceding the civil powers, and ſhewed that this was the very method by which the liberty of all the ſtates in Europe was deſtroyed; and ſaid, that this military eſtabliſhment was the cauſe of all the diſturbances in America. He then read the Governors commiſſion and deſcanted upon the powers granted under the Great Seal; and ſaid that every military power which the King had to grant was given to the Governor and Council, not to be taken away by any power of a Secretary of State; and was not taken away; and that therefore the power exerciſed by the Military Commanders in Chief was not warranted, but that all thoſe powers ſtill remained with the Governor,

vernor, as they do with the Lord Lieutenant in Ireland. He then offered his motion, which was an Addreſs to the King, humbly repreſenting that diſputes had ariſen amongſt the ſeveral Governors and Commanders, in almoſt all the colonies, ſince the appointment of a Commander in Chief; that there was perpetual confuſion; that the people of America complained of this eſtabliſhment of the army there as ſetting up a military government over the civil; and therefore humbly beſeeching his Majeſty to direct, that all thoſe matters might be re-conſidered and rectified, and made agreeable to law and the conſtitution.

The Lord Mayor ſeconded the motion; but ſaid, as the matter had been ſo fully, ſo clearly, and ſo demonſtrably opened and made out by his worthy friend who moved; and as he did not ſee that it was poſſible that the gentlemen on the other ſide the Houſe could oppoſe it, or that it could admit of a debate, he ſhould not now ſpeak to it, only riſing up to ſecond the motion, but reſerving to himſelf the right of anſwering if any thing was unreaſonably oppoſed by way of argument to this motion.

Mr. G. Johnſtone (late Governor of Weſt Florida) ſupported the motion by a moſt excellent ſpeech. He ſtated the illegallity of the preſent arrangement of commands; ſhewed they were contrary to law; not warranted by the commiſſions of the Commanders in Chief; and that the letters and Secretaries of State made matters ſtill worſe, both as to the confuſion and the legality. He gave a very curious account from Tacitus, of diſputes of preciſely the ſame nature, which aroſe in Africa between the Proconſuls, and the Imperial military lieutenants, and ſhewed how that eſtabliſhment there converted the provinces into military governments. He then quoted the caſe of the like diſpute created by King James in Ireland, by his endeavouring to make Lord Tyrconnel, the Commander in Chief of the forces, independent of the Lord Lieutenant; but that he would not do it; and was forced to ſuperſede the Lord Clarendon, and make Lord Tyrconnel Lord Lieutenant. He explained all the caſes of confuſion which had ariſen in Weſt Florida, and in Quebec. Having conſidered the inexplicable confuſion as it aroſe from the illegality of this eſtabliſhment, he proceeded to conſider the expediency,

pediency, and with great knowledge of the ſervice, ſhewed the inexpediency of it, and pointed out the great expence of it, which was incurred by this country to no one good purpoſe, but every bad one; and therefore concluded with calling for a re-conſideration and adjuſtment of this buſineſs agreeable to the motion.

Lord Barrington (Secretary at War) before he began his argument on the queſtion, endeavoured to explain away the account which Mr. Johnſtone had given of the ſeveral diſputes, and then by way of anſwer to what Governor Pownal had ſaid, in opening the nature of his motion, gave a ſuperficial account and hiſtory of the firſt eſtabliſhment of this commiſſion, and of the neceſſity of one collected military command, which not having been diſputed, was nothing to the purpoſe. He then ſaid, that as diſputes about this command had ariſen, the Governors received letters from a Secretary of State to ſubmit to the command in all caſes, where a Brigadier was preſent, but that they might take the command where there was no Brigadier. However, after a long office harangue, in which he ſaid that as there was no civil magiſtrate who would uſe the aid of the troops, it was beſt they ſhould be withdrawn, *and would* be withdrawn. He concluded by allowing, that there was ſomething wrong and defective in the law, as to the court martials; and that there were doubts in point of law, as to the nature of the eſtabliſhment, but yet that the commiſſion was legal; that this motion was not the way to get it rectified, and therefore moved to adjourn.

Mr. Serjeant Glyn aroſe to anſwer, but as the Lord Mayor was up, he waited a further opportunity. The Lord Mayor ſaid, the noble Lord's hiſtory of the military commiſſion, which ſhewed how wiſely and carefully it was drawn, and that it was legal, ſhewed the more ſtrongly how illegal the proceedings of government upon it had been; that the commiſſion only contained general powers, no ſpecial powers, and did not revoke any of the powers given to the Governor, but that miniſters had, under pretence of that general power, engroſſed ſpecial power at their own arbitrary will; and had preſumed, under this, to ſupercede charters and commiſſions, and all ſorts of legal powers granted under

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the great ſeal of England; the commiſſion was not complained of, but the aſſumption of illegal powers under pretence of this commiſſion, ſo as to eſtabliſh an illegal military power in America ſuperſeding the civil government there. He then ſhewed the conſequence of thoſe proceedings, and of ſetting a ſeparate military command within a civil juriſdiction, by explaining the late melancholy tranſactions at Boſton; that while the troops and the inhabitants were actually engaged, and the troops were firing upon the inhabitants, the Governor declared he had no power to order the troops to withdraw. He then explained the purport of the motion, as tending to quiet the minds of his Majeſty's ſubjects in America, and to eſtabliſh his government there on legal and efficient footing, and called upon the miniſtry to make their objections, if they had, or could make any; if not, to let the addreſs go to his Majeſty.

Lord Barrington aroſe a ſecond time, under the idea to explain; and at the concluſion declared, that as doubts had ariſen in point of law as to the arrangements of command made by m———y in conſequence of the military commiſſion; and as to the preſent eſtabliſhment, his Majeſty had already ordered this matter to be laid before the attorney and ſolicitor general, to conſider firſt of the point of law; and that then it was intended to reviſe and rectify every matter which ſhould be found inexpedient; that every thing which the addreſs did or could deſire, was doing, and intended to be done, and that therefore the addreſs was unneceſſary, and after this declaration not quite proper.

Col. Barré ſaid, that after the declaration of the noble Lord, he ſhould have contented himſelf with giving a ſilent vote on this occaſion. That there were many points, which from the nature of government, were better not ſtirred, had better never been called in queſtion. That during the whole war, the Americans, whatever their opinions were of this military command, acted under it zealouſly, and ſubmitted to it willingly, and never called it in queſtion. But that the conduct of miniſtry was ſuch, and the uſe which they wiſhed to make, if even doubtful, was ſuch as called into queſtion, into dangerous diſcuſſion, every exertion of the powers of government; and the matter being now neceſſarily brought forward,

he ſhould ſpeak freely upon it. He ſaid he would not quite agree with the noble Lord, nor congratulate government that the troops were withdrawn in the manner they were; nor was he ſo ready to decide upon the expediency of what was next to be done, as that noble Lord ſeemed to be. However, he was glad to hear, that the miniſtry, after letting this matter of the military commands, continue for five years in a ſtate which they confeſſed to be wrong, had now, within this month or ſix weeks, began to think it was time to re-conſider it. That as they had let it continue theſe five years, they would have let it continue for ever if the gentleman, who now made the motion, had not, above two months ago, given notice that he would lay this matter before parliament, and bring it into queſtion there. That if any good ſhould ariſe from this re-conſideration of this matter, which they had now pledged themſelves to make, they owed it to that gentleman, who firſt called upon them, and firſt raiſed them from that ſtupor under which they ſuffered themſelves to lie for five years together, hearing and ſeeing every day the evil conſequence of this ſtate of things, and yet never once attempting to rectify that which they acknowledged to be wrong, and to have long called for ſome expreſs adjuſtment. That as they had ſhewn that they dared to continue ſo long under ſuch dangerous errors in practice, no body could ſay how much longer they would venture to continue under the ſame, and to what lengths they would ſuffer theſe evils to run, if they could but for this day, get rid of this motion; that therefore this motion became now by this declaration, ſo much the more neceſſary. He then ſhewed the impropriety and danger of giving the troops there a power as executors of your laws. He ſaid, if troops were once ſuffered to conſider themſelves as the executive power, they would ſoon become the legiſlative. He then with a maſterly knowledge of the military ſervice of America, ſhewed that the whole diſpoſition of the army there was perverted to where it could be of no ſervice; and that every ſervice which was neceſſary for the protection and ſecurity of that country, was either neglected or inadequately provided for. He ſpoke near an hour on theſe points. He concluded by expreſſing his ſenſe of the benefit which muſt ariſe to government itſelf, to the colonies, to the ſervice from this

motion;

motion; of the benefit which appears had ariſen from the notice given of it by the gentleman who moved it two months ago; of the obligations which even the miniſtry had to him; and that by the account which they gave of the manner they had been driven into ſome ſtate of reflection, and of the ſtate of conſideration under which the matter was made, this motion now the more neceſſarily and abſolutely ſo.

Mr. Wellbore Ellis roſe, but General Conway being up, he ſat down, and General Conway in anſwer firſt to Colonel Barré, gave a long and particular account of the nature of the military ſervice, and of the diſpoſition of the American army, but allowed, that Colonel Barré's objections were valid, but reſted his anſwer on the difficulties of government, on account of expence and other reaſons, in not being able to execute all, that perhaps it might be better if it could be done. As to the motion, there were certainly many and great matters of difficulty and doubt in the ſtate of the American military arrangements and eſtabliſhments; but as all perſons on all ſides were agreed, that ſome reviſion and rectifying of this matter, was neceſſary, as now it was ſo ſolemnly declared, that orders were given to lay this matter before the law officer of the crown, and to reviſe and to rectify, in ſhort, to do every thing that this addreſs could deſire, he was on that account, and on that only, againſt the motion, as after that declaration, he thought the carrying up ſuch an addreſs muſt be diſreſpectful to his Majeſty.

Mr. Stanly aroſe, but the Houſe called to Sir George Savile, who was upon his legs. He ſaid, that the matter required by the addreſs propoſed, was thus on all ſides, by all perſons, allowed to be ſo proper, ſo neceſſary; as there was nothing either in the matter of the motion, or in the manner of bringing it forward, to which any one had, or could object; as miniſtry by their declaration ſeem to grant the thing required, and ſaid that was doing what the addreſs required to be done, the queſtion was now drawn to a ſhort iſſue; that the public was much obliged to the worthy gentleman who moved it, in their calling upon miniſtry, and bringing this matter thus far to this iſſue; but he could not but obſerve, that as it was ſaid that this queſtion had been referred to the great law officers of the crown, who were alſo mem-

bers of the Houſe, it ſeems ſomewhat peculiar, and particularly marked, that theſe gentlemen ſhould not be preſent to aſſiſt the Houſe with their advice, when it was known that the diſcuſſion of this point was to come on; that ſufficient notice had been given of this; and that after a day was fixed, it had been put off four times ſucceſſively; that theſe gentlemen might have had time to conſider it; that it was plain there was no opinion then as yet formed, which theſe great lawyers would venture to give; that miniſtry had not yet come to any deciſion; that as the matter had ſlept with them ſo long, he approved the motion, not only as originally putting the miniſtry on the conſideration, but as now neceſſary to quicken them and their lawyers.

The queſtion for adjournment was put, as miniſtry were conſidered as having given up the point; there was no diviſion.

May 9. Several papers which had been moved for were read, as the reſolutions of both Houſes of Parliament, the King's ſpeech, circular letters of the Secretary of State, ſpeeches of Governors, and meſſages of Aſſemblies in America, &c.

Mr. Burke roſe, and ſaid, he ſhould, from the ſtate of things which theſe papers opened to the Houſe, lay before them the ſtate of meaſures, and the plan (if ſuch could be ſo called) of adminiſtration, which his Majeſty's miniſters had attempted to execute, from the fatal hour, ſince they left that ground of peace on which the affairs of the colonies were eſtabliſhed after the repeal of the Stamp-act.

He ſaid, the declaratory law did ſufficiently eſtabliſh the ſovereignty of this country over its plantations and colonies. But that the wiſe miniſters who ſucceeded, did not think this ſufficient, without ſome exerciſe of the power of taxing, ſuch as might ſecure the dignity, as well as ſovereignty of government, by which, at the bottom, they meant the doing ſomething to ſave the honour of particular perſons.

That it was very extraordinary, that the great perſon, who was one of the foremoſt for repealing the Stamp-act, and that too on the principles of the Americans themſelves, ſhould, when he found himſelf at the head of the Miniſtry, be the very

very perſon to adopt the meaſure of inventing a new ſyſtem of taxes upon the colonies.

And it was alſo peculiarly unfortunate, that when a meaſure, ſo likely to meet with every obſtruction and oppoſition in America, was adopted, no one precaution or ſtep was taken to ſecure the execution of it, neither of policy, nor power.

And, to add to the fatality, the execution was left to hands, which, in the ſequel of events, have proved the moſt unfit for it of any that could be employed.

He then prefaced what he had to ſay, with begging that he might not be underſtood to mean any thing perſonal againſt any man, eſpecially the miniſter that might appear to be moſt affected by his concluſions; that he had really a perſonal regard for the noble Lord; that he wiſhed rather, by pointing out errors, to lead to a redreſs for the future, than to puniſhment for the paſt: yet, upon the other hand, if upon the ſtate of the enquiries, things and actions, which were connected with perſons, did appear to deſerve the animadverſion, the cenſure of the Houſe, he ſhould adhere to what was right for the public, be the perſons whomſoever, or whatſoever they may.

He then opened with infinite wit and raillery, the plan of dignity adopted by the miniſters, and ſhewed how it was purſued through every tranſaction. From the propoſing the new revenue act for America, to their partial repeal in this ſeſſion. He began firſt with the meaſures taken, when the Parliament was perſuaded to paſs an act for ſuſpending the Aſſembly of New-York, and ſhewed, that inſtead of producing a ſubmiſſion from that Aſſembly, on which the dignity of government was to be eſtabliſhed, it produced reſolutions in that aſſembly, againſt both the dignity and authority of this government. The quartering bill, which this ſuſpending act was meant to enforce, was never ſubmitted to; and that the whole effect was, that the act of Parliament is now no longer in force, but the reſolutions are, and have had their effect.

As the revenue acts produced in America nothing but reſolutions againſt our power of taxing, the next ſtep of dignity, was a letter of a Secretary of State, ordering with a menace,

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in caſe of refuſal, the Aſſembly at Boſton, from whence the meaſure of reſolving firſt took riſe, to reſcind all ſuch reſolutions, and directing the governors of the other provinces, by another and circular letter, to induce their Aſſemblies, to treat the Boſton reſolves with the contempt they deſerve. Here again our dignity was diſhonoured. The Boſton Aſſembly, who would not reſcind, was diſſolved, and was permitted to ſit again without reſcinding; and the other Aſſemblies treated the Secretary of State's letter with contempt.

Theſe wiſe ſteps of policy failing, and the people of America growing every day more and more confirmed in their reſolutions, and more and more inflamed, ſeveral acts of violence broke out. Upon this ſtate of things, the crown was now, as confeſſedly unable to carry its meaſures into execution, adviſed to call in the aid of Parliament, to tell Parliament, that it could not govern thoſe ungovernable people. The Parliament was perſuaded to come to ſome threatening reſolves, and to give back the curious advice of ſending for the ſubjects of America, ſuſpected of treaſon and miſpriſion of treaſon, to England, under authority of an old act of Henry VIII. to be tried here. Theſe threats never were, as it was known they never could, be carried into execution. They expoſed the weakneſs of Parliament, and rendered its power abhorred, and reduced the dignity of government to contempt.

Theſe great ſtrokes of policy not ſucceeding, the plan took a former tone, and, upon an account received of ſome breaches of the peace, and ſome affrays with the Cuſtom-houſe officers, a fleet and an army was ſent to Boſton, to ſecure not our dignity, but government itſelf, as was given out.

See now the iſſue of this:

The civil magiſtrate, who was ſaid to call for the aid of theſe troops, would neither receive nor quarter them; would not accept, nor uſe their aid; ſo that, after the parade of the terror was over, and after the miniſters found they could not frighten the people, they withdrew part of this armament, and the reſt are now drawn out of the town.

So that now, on the upſhot, it appears, that inſtead of having eſtabliſhed the dignity of government, you have now ſhown by the attempt, that you have loſt the power in effect, either

either to ſuſpend or to prorogue, or even to induce the Aſſemblies to reſcind their reſolves againſt your power.

Every meaſure of crude, impracticable vigour, has rendered you abhorred. Every meaſure of lenity (proved to be the lenity of a braggard forced to ſubmit) has brought you into contempt. At the very time that Parliament was to be perſuaded to take up the menace of Henry the Eighth's act, miniſtry were preparing a plan of ſubmiſſion; and when they found, that the terms of their ſubmiſſion would not be accepted by the Americans, the miniſters, by another circular letter, upon the plan of lenity, laid the grounds for their friends in America to negotiate a reconciliation, pretending themſelves, in the mean while, to hold up their heads high under the authority of Parliament, which would not ſubmit; and yet, if their friends could have carried any one point that would have ſerved for oſtenſible ground to Parliament, Parliament was to be perſuaded to repeal as they ſhould recommend. And laſtly, altho' the Americans could not be induced to do even this, yet parliament was perſuaded to repeal article for article, as the miniſters had promiſed, and vowed they ſhould, and not a jot further.

So that now, not only dignity, but government and power are all brought to nought. Every inſtrument is gone; there is neither civil nor military. The malignity of your will is abhorred; the debility of your power is contemned, which ever has been, and is now the caſe of a government without wiſdom.

Thoſe meaſures, and this ſtate of things, do not only deſerve, as we have expreſſed it, our moſt ſerious conſideration, but ſo far as ſhall appear, that this ſtate of things have been brought on by thoſe meaſures, the meaſures do ſurely deſerve our cenſure; and upon this ground, he then propoſed ſeveral reſolutions of cenſure of the ſeveral meaſures which had been lately taken. All which reſolutions were as follows:

A motion was made, and the queſtion being propoſed, That, in ſeveral of his Majeſty's colonies in North America, diſorders have of late prevailed, prejudicial to the trade and commerce of this kingdom, and deſtructive to the peace and proſperity of the ſaid colonies;

And

And the previous queſtion being put, That that queſtion be now put ;

It paſſed in the negative.

A motion was made, and the queſtion being put, That a principal cauſe of the diſorders which have lately prevailed in North America, hath ariſen from the ill-judged and inconſiſtent inſtructions given, from time to time, by perſons in Adminiſtration, to the Governors of ſome of the provinces in North America ;

It paſſed in the negative.

A motion was made, and the queſtion being put, That the directing the diſſolution of the Aſſemblies of North America, upon their refuſal to comply with certain propoſitions, operated as a menace injurious to the deliberative capacity of theſe Aſſemblies, and tended to excite diſcontent, and to produce unjuſtifiable combinations ;

It paſſed in the negative.

A motion was made, and the queſtion being put, That the Aſſemblies of North America having been diſſolved for not diſavowing or diſcountenancing certain combinations, and the ſuffering new Aſſemblies to ſit without diſavowing or diſcountenancing the ſaid combinations, was a proceeding full of inconſiſtency, and tending to lower in the minds of his Majeſty's ſubjects in America, all opinion of the wiſdom and firmneſs of his Majeſty's Councils ;

It paſſed in the negative.

A motion was made, and the queſtion being propoſed, That it is unwarrantable, of dangerous conſequence, and an high breach of the privilege of this Houſe, to promiſe to the Aſſemblies in North America the interpoſition or influence of his Majeſty, or of his confidential ſervants, with this Houſe, in any manner which may tend to create an opinion in thoſe Aſſemblies, that ſuch interpoſition or influence muſt neceſſarily bring on a repeal of any duties or taxes laid, or to be laid, by authority of Parliament ;

The Houſe was moved, that the Extract of the Speech of Lieutenant Governor Colden, to the General Aſſembly of New York, on the 22d of November, 1769, with their addreſſes in anſwer thereto, might be read.

And the ſame were read accordingly.

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The Houſe was alſo moved, that the Extract of the Speech of Governor Tryon, to the General Aſſembly of North Carolina, on the 23d day of October, 1769, with their addreſſes in anſwer thereto, might be read.

And the ſame were read accordingly.

Then the previous queſtion being put, That that queſtion be now put;

It paſſed in the negative.

A motion was made, and the queſtion being propoſed, That it is highly derogatory from his Majeſty's honour, and from the freedom of parliamentary deliberation, to pledge the faith of the Crown to the ſaid Aſſemblies, for the repealing, or laying on, or continuing, or not laying of, any taxes or duties whatſoever;

And the previous queſtion being put, That that queſtion be now put;

It paſſed in the negative.

A motion was made, and the queſtion being propoſed, That to give aſſurances in his Majeſty's name, diſtinguiſhing certain principles of taxation, and diſclaiming an intention to propoſe any taxes within the ſaid deſcription, in order to eſtabliſh and juſtify unwarrantable diſtinctions, has a tendency further to diſturb the minds of his Majeſty's ſubjects in America, and to weaken the authority of lawful government;

And the previous queſtion being put, that that queſtion be now put;

It paſſed in the negative.

A motion was made, and the queſtion being propoſed, That to lay before this Houſe ſuggeſtions of treaſon, or miſpriſion of treaſon, ſubſiſting in America, in order to bring this Houſe into a plan for the repreſſing and puniſhing ſuch ſuppoſed treaſons and miſpriſion of treaſon, when in reality no ſuch treaſons, or miſpriſions of treaſon, did ſubſiſt, or, if they did ſubſiſt, no meaſures whatſoever have been taken, or appear to have been intended, for apprehending and puniſhing the perſons concerned in the ſame, is an audacious inſult on the dignity of Parliament, and, in its conſequences, tends either to bring a reflection on the wiſdom and juſtice of Parliament, or to encourage treaſons and treaſonable practices, by neglecting to carry into execution meaſures recommended by Parliament;

And the previous queſtion being put, That that queſtion be now put;

It paſſed in the negative.

Mr. Rice roſe to defend his friend and colleague in office; defended the circular letter to Governor Bernard, directing him to diſſolve the Aſſembly if it did not reſcind: that the letter not being directed to the Aſſembly nor meant for their cognizance, could neither menace nor even influence them unduly. He defended the ſending the troops, as a neceſſary meaſure, and the repeal as a wiſe propoſition founded on commercial principles: formed his anſwer on theſe grounds, and did not enter into any of the other matters, as they were matters in which Parliament, not Miniſters were concerned.

Mr. William Burke ſtood up and ſupported every article of the motion in pretty ſtrong terms. Col. Onſlow diſtinguiſhing thoſe meaſures which were the meaſures of Parliament from thoſe which might properly be fixed upon miniſters, called upon gentlemen to point the charge to ſomething particular; to make good the charge; and to found the cenſure upon eſtabliſhed proof, not upon vague and general declamation.

Mr. Townſend declared he was for bringing things to perſons; that the times called for vigorous meaſures of parliament; that if there was that relaxation in the minds and tempers of them, that they could not ſuffer themſelves to take up ſuch meaſures as came to perſons, we were undone; for there wanted only an aſſurance that miniſters might be bad with impunity, to cloſe the ſcene of our ruined ſtate of government. He therefore was for fixing a cenſure on meaſures, with a direct view to the bringing the cenſure home to the miniſters who were the authors of them, and who ought to be reſponſible to the public for their conduct.

Lord Clare, with a certain attempt at irony, made an apology for the oppoſition, in that they had brought forward theſe matters now ſo late. He ſaid he did not ſo much wonder that theſe matters were deferred ſo long, as that the gentlemen in the oppoſition were enabled to bring them on at all: for when he conſidered how many different matters were to be mutually conceded and given up; how many to be ſuppreſſed; how many to be altered; how many diſcordant opinions, by interpretation, to be reconciled; he could not but admire both the induſtry and ingenuity of the

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ſeveral gentlemen, who could thus bring ſo many things together, and to agreement: he thought it muſt take great time to ſettle the firſt cauſe of all theſe diſorders in America, finely painted to the Houſe. One ſet muſt have once thought, that the ſtamp-act was the cauſe; another, that the repeal of it was the real cauſe; but that, to avoid this old ground of diviſion and recrimination, they had at laſt, after a long and curious negociation, agreed to take up the cauſe from a later date, by conſidering only the diſorders which have *of late prevailed* in America. But, to be ſerious, he thought that a majority of the Houſe would be of opinion, that the true cauſe of all our diſputes with our colonies were to be, and ought to be traced higher. He talked of an amendment to this purpoſe, but his idea was not adopted by the miniſtry, and his ſpeech ended as it begun.

General Mackay made ſome general obſervations on the ſtate of things, which ſeemed intended to apply to the defence of the miniſtry, but proved a ſword that cut both ways.

Mr. Wedderburn, after ſettling a point with Lord Clare, as to the eaſe with which great ſtateſmen might reconcile inconſiſtences between opinion and conduct, from his Lordſhip's own example of the caſe, with which he, who was for the Stamp-act upon principle, could take a poſt at the head of the American department, under a miniſtry that had repealed that act, upon the principle of being againſt all American taxation, from the ſhort time it took him to ſettle thoſe contrarieties. He ſhowed, that ſuch had been the conduct, and ſuch the dangerous conſequences of that conduct in ſome late miniſters upon American affairs, that they had united people and parties of the moſt differing opinions, as to former meaſures, in that which was now become the one only neceſſary meaſure, that of interpoſing to prevent the impending ruin of this country, by the total loſs of its American dominions.

He then applied General Mackay's general obſervations, to a confirmation of the errors and miſchievous meaſures of miniſtry, to their negligence, and total abandoning American affairs, without ever propoſing, or ever thinking of any plan for the conducting them.

He then ſhewed how, by theſe meaſures, America, which, in the reign of George II. was totally annexed to the Britiſh empire, was, in the reign of George III. totally diſſevered, and cut off from that empire. That the American colonies had ceaſed to be Britiſh dominions, were no more ſo than Calais, which was once a Britiſh province, now was ſuch. He ſaid, that when one poor miſerable, ſhort-lived precedent, of a third Secretary of State, exiſting for a few weeks in the time of Edward VI. was brought forward to evade an expreſs law, in order that a noble Lord might be put at the head of a diſtinct American department, he ſhould have thought, that in the choice of that Lord, one would have been fixed upon, whom knowledge of commerce, experience in the ſyſtem of our plantations and colonies, whom prudence, firmneſs, and a well-grounded conduct marked out more particularly. He was ſorry; yet, however, he muſt ſay it in the moſt direct terms, that the miniſter, put at the head of that ſcarcely legal department, was not fit for it: that his conduct was ſuch as called for his removal; and that he thought theſe reſolutions led, by the juſteſt ſteps, to what muſt produce that effect.

Lord North took up ſomething, which Mr. Wedderburn had ſaid, in high terms, and returned a flat contradiction. The matter was nothing to the preſent debate, and was, on both ſides, a miſconception. His Lordſhip then came to the ground of anſwering the ſeveral matters of charge againſt the miniſtry, article by article, and ſaid as much as could be ſaid, making a good defence of a bad cauſe; but avoiding the mention of any plan for the future.

Here Mr. Grenville took up the argument, and after having ſhewn, that miniſtry had both, as to execution and lenity, done every thing which they ought not to have done; and as to ſyſtem of governing, had omitted to do every thing they ſhould have done; that they were not only reprehenſible for what they had done, but highly criminal for daring to take great offices, and to have done nothing; he called upon them for their plan, and charged them ſtrongly for not having ſuch, and for not laying it before Parliament; when, by the King's ſpeech, the conſideration of ſome ſuch thing was become

avowedly

avowedly part of the buſineſs of the ſeſſions. He ſpoke long and warmly.

Lord North made ſome explanatory reply. The queſtion was importunately called for, and upon a diviſion, the previous queſtion put; the firſt reſolution was carried by a majority of 197 to 79. The reſt of the reſolutions received their negatives in various ſhapes, as already mentioned, without any other diviſion.

For the LONDON MUSEUM.

Subſtance of the Proceedings in the Houſe of Lords, from the firſt of May, 1770, to the 29th of the ſame month.—Taken from authentic notes and papers.

Die Martis, 1° Maij, 1770.

THE order of the day being read for the Lords to be ſummoned,

The Earl of Chatham preſented to the Houſe a Bill, intituled,

A Bill for reverſing the adjudications of the Houſe of Commons, whereby John Wilkes, Eſq; has been adjudged incapable of being elected a Member to ſerve in this preſent Parliament, and the Freeholders of the County of Middleſex have been deprived of one of their legal repreſentatives. (*See page* 313.

The ſaid Bill was read the firſt time.

The following is an authentic copy of the Bill.

A Bill for reverſing the Adjudications of the Houſe of Commons, whereby John Wilkes, Eſq; has been adjudged incapable of being elected a Member to ſerve in this preſent Parliament, and the Freeholders of the County of Middleſex have been deprived of one of their legal Repreſentatives.

WHEREAS the capacity of being elected a Repreſentative of the Commons in Parliament (is under known limitations of law) an original inherent right of the ſubject; and foraſmuch as to deprive the ſubject of this high franchiſe and birth-right, otherwiſe than by a judgment according to the law

law of the land, and the conſtant eſtabliſhed uſage of Parliament conformable thereto, and part thereof, is directly contrary to the fundamental laws and freedom of this realm, and in particular to the act, "declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the crown, at the ever-memorable period of the Revolution;" when free election of Members of Parliament was expreſsly vindicated and ſecured.

And whereas John Wilkes, Eſq; having been duly elected and returned a knight of the ſhire to ſerve in this preſent Parliament for the county of Middleſex, was, on the 17th of February 1769, without being heard, adjudged incapable of being elected a Member to ſerve in this preſent Parliament, by a reſolution of the Houſe of Commons, as follows:

"Reſolved,

"That John Wilkes, Eſq; having been in this ſeſſion of Parliament expelled this Houſe, was and is incapable of being elected a Member to ſerve in this preſent Parliament."

And whereas on the ſame day the ſaid Houſe of Commons farther reſolved as follows: "That the late election of a knight of the ſhire to ſerve in this preſent Parliament for the county of Middleſex is a void election:"

And whereas the ſaid John Wilkes, Eſq; having been again duly elected and returned a knight of the ſhire to ſerve in this preſent Parliament for the county of Middleſex, the ſaid Houſe of Commons did, on the 17th of March, 1769, reſolve in the words following: "That the election and return of John Wilkes, Eſq; who hath been by this Houſe adjudged incapable of being elected a Member to ſerve in this preſent Parliament, are null and void:"

And whereas the ſaid John Wilkes, Eſq; having been again duly elected and returned a knight of the ſhire to ſerve in the preſent Parliament for the county of Middleſex aforeſaid, and having on the original poll-books, eleven hundred and forty-three votes in his favour, againſt two hundred and ninety-ſix, in favour of Henry Lawes Luttrell, Eſq; the Houſe of Commons did, on the 15th of April, 1769, without a hearing of parties, and in manifeſt violation of the indubitable right of the Freeholders of the county of Middleſex to chuſe their repreſentatives in Parliament, reſolve as follows:

"That

"That Henry Lawes Luttrell, Eſq; ought to have been returned a knight of the ſhire to ſerve in this preſent Parliament for the county of Middleſex, and thereupon ordered the ſaid return to be amended accordingly;"

And whereas, by another reſolution, of the 8th of May, 1769, the ſaid Houſe of Commons did, upon hearing the matter of the Petition of the Freeholders of the county of Middleſex, as far as the ſame related to the election of Henry Lawes Luttrell, Eſq; farther reſolve as follows:

"That Henry Lawes Luttrell, Eſq; is duly elected a knight of the ſhire to ſerve in this preſent Parliament for the county of Middleſex."

And foraſmuch as all the reſolutions aforeſaid, cutting off the ſubject from his indubitable birth-right, by a vote of one Houſe of Parliament, exerciſing diſcretionary power and legiſlative authority, under colour of a juriſdiction in elections, are moſt arbitrary, illegal, and dangerous.

Be it therefore declared and enacted, by the King's moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, 'That all the adjudications contained in the above-mentioned ſeveral reſolutions are arbitrary and illegal, and the ſame are and ſhall be hereby reverſed, annulled, and made void, to all intents and purpoſes whatſoever.'

After the firſt reading of the ſaid Bill, it was moved,

That the ſaid Bill be read the ſecond time, on Thurſday next; which being objected to, the Earl of Temple ſtood up in ſupport of the motion. His Lordſhip expatiated largely on the illegal aſſumption of the Houſe of Commons; arraigned their adjudication in very ſpirited terms; and urged the repeal of a grievance, that ſo apparently ſtruck at the vitals of all liberty. In this he was ſupported by the Duke of Richmond and Lord Lyttelton; who added, "That as the *mode* of bringing on this queſtion was before objected to, that objection could no longer have any weight, as it was now introduced by a Bill."

Lord Denbigh replied to this in a very long ſpeech, and talked a great deal of the inherent, excluſive power of the Houſe of Commons; "That tho' he had a great opinion of the

the ſpirit and abilities of the noble Lord who introduced the Bill, yet he could not but differ with him in this point, as thinking it unprecedented and illegal, it being totally unbelonging to that Houſe, to call to account the adjudication of the other." He obſerved, "That this was the only buſineſs of any conſequence tranſacted there ſince the ſeſſion began, and notwithſtanding every determination was carried againſt it, he was ſurpriſed, at almoſt the end of the ſeſſion, to find the ſame queſtion ſtill agitated; that for his part, he could not charge his memory, or his reading, when the Lords ever interfered in a like nature; and that for theſe, and many other reaſons, he was againſt the Bill.

Lord Chatham then roſe, and ſpoke to the following purport:

"My Lords,

"The noble Lord who ſpoke laſt, has been very loud againſt this motion. He ſeems to be very angry with the ſupporters of this meaſure, but then he is angry *in ſuch a ſort*, that I am ſure nobody can be angry with him; I ſhall, therefore, wave replying to ſome reflections he has thrown out upon the faction, as he is pleaſed to call it, and take a ſhort review of the cauſe of this motion.—Here are 1143 legal, ſworn freeholders, vote a gentleman their Member of Parliament, againſt 296 who oppoſe him: with this apparent majority, he comes to take his ſeat ſo given him by the laws and conſtitution of his country. But what do the Houſe of Commons? Why, they ſhut the door in his face, and by a new ſtate-arithmetic, make 296 a greater number than 1143.—Is not this, my Lords, flying in the face of all law and freedom? Is not this apparently robbing the freeholders of their liberty, and making a mere farce of Engliſhmens' birth-rights? It is very true, the Houſe of Commons had a right, if petitioned for by Colonel Lutterel, to enquire minutely into the qualifications of his opponent's electors; to admit none as ſuch, but thoſe duly qualified by law; and after making theſe deductions, then determine for the majority. But when none of this was even pretended to, but his ſeat, point blank, taken away from him, and given to another, it is an outrage that ſtrikes at the letter, as well as the ſpirit of our laws.

"It

"It has been urged, my Lords, that there is no precedent for one Houſe taking cognizance of the proceedings of the other; but if my memory ſerves me right, (and I have very lately refreſhed it) I remember one exactly parallel, in the caſe of Titus Oates, in the reign of Queen Anne, where the Commons took cognizance of the proceedings of the Lords on that ſubject; ſo that it is no new thing for one to be a check on the other, as it is not only eſtabliſhed by precedent, but by the mode of our conſtitution.

"It is ſaid, my Lords, that the ſpirit of diſcontent has gone abroad—I ſhould be ſurpriſed if it had not; for how can it be otherwiſe, when, to uſe a familiar expreſſion, Colonel Lutterel ſits in the *lap* of Mr. Wilkes; when a corrupt Houſe of Commons invert all law and order, and deny the juſt privilege the electors claim by the conſtitution of theſe kingdoms? When a majority in that Houſe becomes a Miniſter's ſtate-engine, to effect the worſt of purpoſes, and to produce ſuch monſtrous and unconſtitutional acts, that one cannot help exclaiming in the language of Shakeſpeare——

'*Fie on it! oh fie!*
'*'Tis an unweeded garden, things*
'Rank *and* groſs *in nature poſſeſs it merely.*'

"As for my particular part, though I will not aid the voice of faction, I will aid the juſt complaints of the people; and while I have ſtrength to crawl upon the ſurface of the earth, I will exert the whole of my poor abilities in their honeſt efforts; and I here pledge myſelf to their cauſe, as I am convinced it is the cauſe of truth and juſtice.

"I am afraid, my Lords, this meaſure has ſprung too near the Palace—I am ſorry for it: but I hope his Majeſty will ſoon open his eyes, and ſee it in all its deformity (Here Lord Pomfret interrupted him, by calling to order, for his remarking ſo freely in the laſt part of his ſpeech.) On which Lord Chatham again got up, and ſaid, I do not retract my words—I eſteem the King in his perſonal capacity, I revere him in his political one; and on theſe principles I hope he will ſee it, and ſee it in ſuch a light, that he will redreſs it by the diſſolution of a Houſe that could adopt ſuch a meaſure."

The following is the GENUINE *Speech of Lord* MANSFIELD *upon the occaſion.*

"My Lords,

"IN this debate, though it has been already ſpoken to with great eloquence and perſpicuity, I cannot content myſelf with only giving a ſingle vote—I feel myſelf under a ſtrong neceſſity of ſaying ſomething more; the ſubject requires it, and though the hour is late, (*it being then near ten o'clock*) I ſhall demand your indulgence, while I offer my ſentiments on this motion.

"What part I took *previouſly* in this matter ſhall ever remain with myſelf. I have, I muſt confeſs, depoſited it in the breaſt of one of the Royal family, but, reſting ſecure in that confidence, I ſhall never declare it to any other.

"I am ſure, my Lords, many of you muſt remember from your reading and experience, ſeveral perſons expelled the Houſe of Commons, without ever this Houſe once pretending to interfere, or call in queſtion by what authority they did ſo.——I remember ſeveral myſelf (here his Lordſhip quoted ſeveral caſes with great ſtrength of memory) in all which, though moſt of the Candidates were ſure to be *rechoſen*, never once applied, reſting contented with the expulſatory power of the Houſe, as the only *ſelf-ſufficient*, *dernier* reſort of application.

"It has been echoed on all ſides, from the partizans of this motion, that the Houſe of Commons acted illegally, in accepting Col. Luttrell, who had but 296 votes, in preference to Mr. Wilkes, who had 1143; but this is a miſtake of the groſſeſt nature imaginable, and which nothing but the intemperature of people's zeal could poſſibly tranſport them to, as Mr. Wilkes had been previouſly conſidered by the laws, as an unqualified perſon to repreſent the people in Parliament; therefore it appears very plainly, that Col. Luttrell had a very great majority, not leſs than 296, Mr. Wilkes being conſidered as *nobody* in the eye of the law, conſequently Col. Luttrell had no *legal* oppoſition.

"In all conteſted elections, where one of the parties think themſelves not legally treated, I ſhould be glad to know to whom it is they generally reſort? Is it to the Freeholders of the Borough,

Borough, or the County they would repreſent, or is it to the people at large? Who cannot ſee, at once, the abſurdity of ſuch a queſtion? Who ſo ignorant of our laws, that cannot immediately reply and ſay, "'tis to the Houſe of Commons, who are the only judges to determine every nicety of the laws of election, and from whom there is no appeal, after they have once given their determination."——All the Freeholder has to do, is to determine on his object, by giving him his vote—the ultimate power lies with the Houſe of Commons, who is to judge of his being a legal object of repreſentation in the ſeveral branches of his qualifications.—This, my Lords, I believe is advancing no new doctrine, nor adding an *iota* to the extenſion of the privilege of a member of the Houſe of Commons, more than what the conſtitution has long ago given him——yet here is a cry made, in a caſe that directly applies to what I have been ſpeaking of, as if 'twas illegal, arbitrary, and unprecedented.

"I don't remember, my Lords, either in the courſe of my reading or obſervation, ever to know an inſtance of a perſon being rechoſen, after being expelled, till the year 1711——then indeed, my memory ſerves me with a caſe of Sir Robert Walpole; he was expelled the Houſe of Commons, and was afterwards re-choſen, but this laſt event did not take place till the meeting of the next Parliament; and during that interval I find no debate about the illegality of his expulſion, no interference of the Houſe of Lords, nor no addreſſes from the publick to decry that meaſure, by a diſſolution of Parliament.

"Indeed, as for a precedent of one Houſe interfering with the rules, orders, or buſineſs of another, my memory does not ſerve me at preſent with the recollection of a ſingle one. As to the caſe of *Titus Oates*, as mentioned by the noble Lord in my eye (Lord Chatham) he is very much miſtaken in regard to the mode; his was a trial in the King's-Bench, which on a writ of error, the Houſe of Commons interfered in, and they had an authority for ſo doing; a judge certainly may be miſtaken in points of law—the wiſeſt and the beſt of us may be ſo at times, and it reflects no diſcredit, on the contrary it does particular honour, when he finds himſelf ſo miſtaken, to reverſe his own decree; but for one Houſe of Parliament, interfering with the

buſineſs and reverſing the reſolutions of another, it is not only unprecedented, but unconſtitutional to the laſt degree.

"But ſuppoſe, my Lords, that this Houſe coincided with this motion; ſuppoſe we all agreed nem. con. "to repeal and reſcind the reſolutions of the Houſe of Commons in regard to the expulſion, and incapacitation of Mr. Wilkes;"—— good God, what may be the conſequence!—The people are violent enough already, and to have the ſuperior branch of legiſlation join them, would be giving ſuch a public encouragement to their proceedings, that I almoſt tremble, while I even ſuppoſe ſuch a ſcene of anarchy and confuſion.

"I remember, my Lords, an anecdote of Roman hiſtory, as told us by that juſtly celebrated hiſtorian *Livy*. At a period when the people of Rome thought their ſenate were acting unconſtitutionally, they had formed a ſcheme of giving them up into the hands of the enemy—determined on this opinion, they were for ſome time waiting but for an opportunity; when one of their leaders, on whoſe valour, wiſdom, and integrity they had the laſt dependence, diverted them from their intentions by reminding them "that by this revolution, they might probably change for worſe maſters." From the inference that may be drawn from this anecdote, and for the reaſons I have already mentioned to your Lordſhips, I am againſt this Bill."

Lord CAMDEN's *Reply.*

"My Lords,

"I HAVE reſerved myſelf till now in this debate. Indeed I did not think it neceſſary to ſpeak after ſo many of my ingenious friends, who have diſcuſſed this ſubject with an elocution and integrity that muſt reflect equal honour on their hearts, and abilities; but the ſentiments of the noble Lord on the wool-ſack, juſt delivered, force me from my ſeat, and I ſhould think myſelf wanting in my duty, as a friend to this Houſe, to the conſtitution, and conſequently to the cauſe I am embarked in, did I forego making ſome obſervations on opinions, I think, pregnant with ſuch unconſtitutional doctrines.

"As

"As to the noble Lord's reaſons, on the firſt meaſure of this debate—why he concealed them; or what is equally the ſame, only communicated them in confidence to one, I have nothing to do with; they may appear ſufficiently cogent to influence him to act ſo; though I could not reconcile it to myſelf in a matter of ſuch importance, to ſit totally neuter; there is a period, when this *poized* ſituation in ſo principal an officer of the crown, becomes dangerous to the ſtate, as well as criminal in the party; and the negation of advice, when wanted, very often may be of the moſt fatal and dangerous conſequence.

"My noble friends, who have ſpoke early in this debate, particularly the noble Lord who faces me (meaning Lord Chatham) has very fully and ſatisfactorily ſhewn you the illegality of the Middleſex proceedings in Parliament. He has explained how the votes of electors have been unwarrantably ſet aſide; how the Houſe of Commons have aſſumed a power, in reſpect to the election in point, of ſetting up their will againſt Magna Charta, the Bill of Rights, and thoſe fundamental laws, from whence the people at large derive their privileges; in ſhort, he has very judiciouſly painted its proceſs, and held it out in that ſtrong, yet not overcharged colouring it really wears.

"The noble Lord on the wool-ſack aſks, In all conteſted elections, who ſhould the people reſort to, but the Houſe of Commons, to decide on their legality? I agree thus far with the noble Lord, they are very judiciouſly the reſort in theſe caſes, but what do they determine on? Why they are to determine on the qualifications of the voter, the validity of charters, uſage of places, and the majority of the number of electors thus qualified. But in the caſe before us, the opponent does not even pretend that any of theſe were broke in upon; conſcious of being able to play a ſafer and more expeditious game, he only produces his 296 votes, which though but a fourth part of what was voted againſt him, ſerves him effectually, and he takes his ſeat as if he had an apparent majority, qualified in every reſpect agreeable to the principles of the conſtitution.

"But then it is objected, that Mr. Wilkes being an *expelled* member, he could not be conſidered as a legal opponent.

Will

Will that noble Lord ſuffer me to aſk him another queſtion, by way of anſwer? Was there not a time when Mr. Wilkes was not under expulſion, and when he was unanimouſly choſen? What then prevented the Houſe from admitting him their member? I am aſhamed to gueſs at it—merely becauſe they would act in an arbitrary, dictatorial manner, in ſpite of law, or precedent; againſt reaſon, or juſtice——a SECRET INFLUENCE had ſaid the word "Mr. Wilkes ſhall not ſit," and the *fiat* was to be obeyed, though it tore up the heart-ſtrings of this excellent conſtitution.

"The noble Lord has been very expert in referring to caſes; he has ſhewn great ſtrength of memory, as well as induſtry, in ſo readily producing them; but I apprehend the queſtion ſhould be taken upon a more broad and general bottom, not *only* as a particular candidate, againſt a particular candidate; not as Mr. Wilkes, oppoſed to Col. Luttrell, but as the Electors at large againſt the aſſumed power of the Houſe of Commons.——The noble Lord, though I am very well acquainted with the goodneſs of his memory, and have but juſt now borne teſtimony to it, has however forgot one precedent, where a branch of legiſlation took cognizance of the other. I ſhall beg leave to remind him of it, and I am ſure, when I mention it, his intimate knowledge with the hiſtory of this country will readily furniſh him with a recollection of it. It was that infamous tax of *Ship-money* in the reign of Charles the Firſt.——This inequitable, unconſtitutional tax, was as loudly talked of to be legal *then*, as the expulſion, and incapacitation of Mr. Wilkes is at this day, and it received almoſt as great an authority; it received the authority of the twelve Judges of the land, aſſembled in ſolemn convocation in the Court of Exchequer; a ratification that nothing could be ſeemingly ſtronger;——but what did the ſucceeding Parliament, who met in the year 1640, do? Why the very firſt thing they did, was to nullify that determination, as being contrary to the laws of the land, and injurious to the rights of the people? and will any one be hardy enough at this day to aſſert they did wrong? So far from being alarmed at one act of legiſlation interfering with another, they conſidered, that though it was a painful act of neceſſity, yet it was better to do ſo, than ſuffer themſelves to be

enſlaved

enſlaved—the people juſtly joined in the cry, and it then ceaſed to be a caſe between Mr. Hampden and the King, but the people of England, againſt venal and oppreſſive miniſters.

"I will ſuppoſe, for a moment, that our anceſtors acted as the noble Lord on the wool-ſack at preſent adviſes; that they, for fear of fomenting the diviſions of the people, acquieſced under the ſentence of the Judges.—What would be, at this day, the conſequence? Why, my Lords, we ſhould only be taxed at the arbitrary will of a miniſter, and if we dared to complain, we ſhould be treated as perſons acting in oppoſition to the laws of the land.

"As for my part, I muſt agree with my noble friend who made this motion, "that I will join my feeble efforts to the voice of the people,"—and the louder I hear them cry, the more I ſhall be pleaſed; and ſhall ever, while they proceed in a legal manner, be proud of the honour of aſſiſting them. Let us conſider, my Lords, we are not now debating a ridiculous point of precedence, or honour, but the liberties and laws of this country; and in ſuch a critical point of neceſſity, it becomes us to be ſanguine; it becomes us to be unwearied in our endeavours. The judgment paſſed upon the Middleſex election, has given the conſtitution a more dangerous wound, than any which were given during the twelve years abſence of Parliament in the reign of Charles the Firſt; and though this bill might be rejected, (as we are all ſenſible how far a *majority* will ſuperſede reaſon and argument) I truſt in the good ſenſe and ſpirit of the people of this country, that they will renew the claims of their inherent and unalienable right to a true, and free repreſentation in Parliament; and if, ſeſſion after ſeſſion, the ſame fatal influence ſhould continue (which for the peace and happineſs of this country, Heaven avert) I expect Engliſhmen will not loſe ſight of this bill at the next general election, but that *then* they will make ſuch a compact with the elected, as to procure an equal repreſentation, and a full redreſs of the many difficulties they have laboured under."

Lord Weymouth got up to anſwer Lord Camden. But ſaid nothing material. He was worſe than uſual.

Lord Shelburne, in a ſevere ſpeech upon the miniſtry, endeavoured to call up Lord Mansfield, but it was impoſſible.

Among

Among other things, he ſaid, that the Chancellor of the Exchequer (Lord North) who adviſed the giving Luttrell a place, in order to ſet him up for Middleſex, deſerved to be, and he hoped would be, *impeached!*

The Duke of Grafton, in a ſpeech vindicating the Miniſtry, complimented Colonel Luttrell on his courage as a gentleman, and as a ſoldier, in ſtanding candidate for Middleſex. [His Grace either did not, or would not, recollect this hero's courage, when he faced the freeholders at Brentford; from whoſe juſt indignation he was preſerved, by the ſpirited efforts of Meſſrs. Townſend, Sawbridge, and other Gentlemen. Where was his boaſted courage then?—He was pale with fear.]

The Earl Stanhope ſaid, He had prepared to go abroad, but altered his mind on account of this national and great conſtitutional cauſe; which he was determined to ſupport, at the expence of his life, if neceſſary.

It now being late, and the *Court-Lords* having repeatedly called out *The Queſtion! The Queſtion!* the Houſe divided, upon the queſtion, Whether the Bill ſhould be read a ſecond time.

It was reſolved in the negative.

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Then Lord Gower moved, that the ſaid Bill be rejected.

The queſtion was put thereupon.

It was reſolved in the affirmative.

Diſſentient,

Becauſe the foundations of this Bill being ſo fully laid in the reaſons contained in two Proteſts entered upon the Journals of this Houſe on the ſecond day of February laſt, we think it indiſpenſibly neceſſary to proteſt againſt the rejection of the ſame, to the intent that it may be delivered down to poſterity, that this great conſtitutional and effectual method of remedying an unexampled grievance, hath not been left unattempted by us; and that to our own times, we may ſtand as men determined to perſevere in renewing, on every occaſion, our utmoſt endeavours to obtain that redreſs, for the violated rights of the ſubject, and for the injured electors of Great-Britain, which, in the preſent moment, an over-ruling fatality

lity hath prevented from taking effect; thereby refuſing reparation and comfort to an oppreſſed and afflicted people.

Chatham,
Portland,
Plymouth,
Rockingham,
Abingdon,
Boyle,
Groſvenor,
Stanhope,
Ponſonby,
Suffolk,
Richmond,
Radnor,
Archer,
Fitzwilliam,
Temple,
Torrington,
Rutland,
John Bangor,
Wycombe,
Forteſcue,
Huntingdon,
Tankerville,
Abergavenny,
King,
Ferrers,
Lyttelton,
Bolton,
Camden,
Coventry,
Buckinghamſhire,
Scarborough
Northumberland,
Mancheſter.

At the concluſion of the debate, Lord Chatham deſired the Lords might be ſummoned for the fourth of May, for, ſaid he, I have a motion of great importance to make, relative to the King.

Die Veneris, 4° Maij, 1770.

THE Lords being met, the Earl of Chatham ſtood up, and moved the following reſolution,

" *Reſolved,*

" That it is the opinion of this Houſe, that the advice, inducing his Majeſty to give the Anſwer to a late Humble Addreſs, Remonſtrance, and Petition, of the Lord Mayor, Aldermen, and Livery of the City of London, in Common-Hall, aſſembled, is of a moſt dangerous tendency; inaſmuch as thereby, the exerciſe of the cleareſt rights of the ſubject; namely, to petition the King for Redreſs of Grievances; to complain of Violation of the Freedom of Election; to pray

Diſſolution of Parliament; to point Mal-Practices in Adminiſtration; and to urge the Removal of Evil Miniſters, has, under pretence of removing certain parts of the ſaid Remonſtrance and Petition, by the generality of *one* compendious *word*, CONTENTS, been indiſcriminately checked with reprimand; and the afflicted Citizens of London have heard from the Throne itſelf, that the *contents* of their Humble Addreſs, Remonſtrance, and Petition, laying their *complaints* and *injuries* at the feet of the Sovereign, as *Father* of his People, *able* and *willing* to *redreſs* them, cannot but be conſidered by his Majeſty, as diſreſpectful to himſelf, injurious to his Parliament, and irreconcileable to the Principles of the Conſtitution."

This motion being regularly read by the Speaker, the Noble Mover ſpoke to the following purport:

"*My Lords*,

"I am to conſider, in conſequence of this motion, what it was the Lord Mayor, &c. of the City of London requeſted, in order to diſcover what reaſons they gave, by this requiſition, for ſuch an anſwer—an anſwer ſo harſh, that it baffles my reading in the hiſtory of this country to equal it. They requeſted, my Lords, very humbly, a Reſtoration of the Freedom of Election, a Diſmiſſion of unjuſt Servants, and a Diſſolution of a Parliament that protected them, as they (the Citizens of London) could not, legally, be repreſented by ſuch. Now, my Lords, I do avow the truth of this Petition; and I do likewiſe avow, that the Citizens of London, with the reſt of his Majeſty's ſubjects, have a right to petition, not only by Magna Charta, and the Bill of Rights, but by a variety of Acts of Parliament, numerous as they are expreſſive. Now, my Lords, let us conſider the anſwer. No particular part of it is replied to, but the whole *contents* is at once diſpoſed of. 'That this Petition was diſreſpectful to himſelf (the King) Injurious to his Parliament, and Irreconcileable to the Principles of the Conſtitution,'——I am too well acquainted, my Lords, with the benignity and mildneſs of his Majeſty's heart, to think him capable of giving ſuch an anſwer——nor could he do it, with propriety, either in his regal or perſonal capacity. I muſt beg your patience, my

Lords,

Lords, to conſider this a little more attentively: 'Firſt, '*Diſreſpectful to himſelf.*' How is a King to know this! Is he a judge what is diſreſpectful to him? No, my Lords; the laws are to determine this for him, the juſt interpreters of offences. '*Injurious to my Parliament!*' How injurious to Parliament? when the very nature of part of the Petition, refers to that Freedom of Election in the People, by which *they* became a Houſe of Judicature; '*Irreconcileable to the Principles of the Conſtitution,*' when the very eſſence of the Conſtitution, not only *permits* but *requires* petitioning the Throne, and what the *Steuarts* never dared to thwart in the zenith of power.——I repeat again, my Lords, the King could never give ſuch an anſwer from himſelf, I have too eſtabliſhed an opinion of his head and heart; and indeed, my Lords, poor as my opinion is of adminiſtration, I can hardly think it was a *joint* advice, but the opinion of *one*, or a *few*; for it is impoſſible, but if there were many, who were conſulted about this meaſure, ſome one of them muſt ſee the abſurdity of it—For let me tell you, whoever they were (I don't care of what conſequence) they were either *fools* or *knaves*; if the *latter*, they deſerved to be treated with the juſt contempt of an injured people; if the *former*, they ought to have been ſent to ſchool before they were ſuffered to take the lead in public office.

"When I mentioned the Livery of London, I thought I ſaw a ſneer upon ſome faces; but let me tell you, my Lords, though I have the honour to ſit in this illuſtrious Houſe, as a Peer of the Realm, coinciding with theſe honeſt Citizens in opinion, I am proud of the honour of aſſociating my name with them. And let me tell the nobleſt of you all, it would be an honour to you. The Livery of London, my Lords, were reſpectable at the time of Cæſar's Invaſion; the Lord Mayor of London was *a Principal* among the twenty-five Barons who received Magna Charta from King John, and they have ever ſince been conſidered to have a principal weight in all affairs of Government. How then have theſe reſpectable characters been treated? They have been ſent away *ſore afflicted* from his Majeſty's preſence, and reprimanded for purſuing their undoubted privileges."

"I remember, my Lords, when Greece was loſing her freedom, Philip of Macedon, (if my memory ſerves me) figuratively ſaid, ſhe had loſt an *eye*. I may very well apply this expreſſion to the ſtab our conſtitution received in the election for Middleſex, and ſay ſhe has loſt an *eye*; and add, that the other *eye* is ſo contuſed, and hurt in conſequence, that I am afraid a total *darkneſs* will ſoon overſpread the *face* of the conſtitution; for I do avow it, in my place, in this illuſtrious Aſſembly, that Col. Luttrell is no repreſentative of the people, but a nominee; thruſt in by foes to the laws of this land and the principles—the eſtabliſhed principles of the conſtitution."

The Duke of Newcaſtle ſtood up, and ſaid, he acted without any factious views—he acted upon the dictates *of his conſcience*.—[Here he was ſuddenly ſeized with a want of utterance, and ſeemed as if choaking. The whole Houſe was in the utmoſt amaze.—His Grace ſat down; and being repeatedly called upon to go on, he ſtood up again; but could only ſay—"*I am not well, my Lords*," and ſat down again. Lord Chatham looked at him, when he talked of his *conſcience*, which it is thought ſo ſtruck him, that he could not proceed.]

Lord Pomfret made a ſhort anſwer to this ſpeech. He obſerved, "that the Houſe had been of late almoſt totally taken up, by a popular nobleman on a popular ſubject, and that he was ſorry to find buſineſs ſo much impeded by requiſitions incongruous in their very nature; as if theſe noble Lords, would, in the courſe of about ſix weeks, ſo change their opinions as now to condemn a meaſure, they had then approved of, by addreſſing his Majeſty on the propriety of his anſwer."

He added, "that the King's anſwer to the City Remonſtrance, was ſuch an anſwer, as was not only proper, but agreeable to the anſwers which former Kings of England had given to their importunate ſubjects; Charles the Firſt, Charles the Second, James the Second, and Queen Anne. He ſaid, this matter had been agitated before: the mover of this queſtion (Lord Chatham) was like a boar coming again and again to the ſame thing: and the whole oppoſition conſiſted of a faction, who were deſirous of nothing but places."

The Earl of Suffolk made a ſhort reply, "He obſerved it was no unuſual thing for the greateſt lawyers to reverſe their decrees;

decrees; and he appealed to two noble Lords on the woolſack, (meaning Lord Mansfield and Lord Camden) whether they did not lately declare, they ſhould be always ready to do ſo, when convinced that they had erred; but he was afraid, he ſaid, the public had to do with a perverſe miniſtry, who ſeemed pleaſed in thwarting every meaſure, that was agreeable to the people."

Lord Shelburne then entered the debate, and continued Lord Suffolk's argument, "that the miniſters had a *ſecret* pleaſure in thwarting every meaſure deſired by the public; which appeared plainly in their different treatment of the people of *Ireland* and *England*; in the *former*, contrary to public deſire, (after they had taken away their money) they diſſolved that Parliament for a twelvemonth; and in the *latter*, they continue a Parliament, though its diſſolution is echoed for from every part of the kingdom."—He then called, and repeatedly called upon the miniſters to make ſome reply to the noble mover of the propoſed reſolution. "No, my Lords, ſaid he, you ſit ſecure in your Majority; one while taking ſhelter behind the Throne, another while behind the Houſe of Commons, and another while behind the Houſe of Lords. Conſcious of the rottenneſs of your cauſe, you dare not truſt to it!"

In reply to Lord Pomfret, his Lordſhip affirmed this matter had not been agitated before, that ſuch aſſertion was falſe. He alſo took notice of only the Stuart reigns being quoted, and was very ſevere upon following ſuch bad examples. He then ſaid, there was another precedent which Lord Pomfret had purpoſely omitted, becauſe it was in the reign of King William; the affair of the Kentiſh petition; upon which the Parliament in that reign was diſſolved. He quoted Burnet's account of this matter; and took his obſervations upon it from Biſhop Kennet; who ſays, King William diſſolved this Parliament, agreeable to the deſires of a part of his ſubjects, to convince them all, he was *not playing any double game*: he wiſhed to have a Parliament whom they all approved of. His Lordſhip repeated it, that the King was willing to ſhew his ſubjects *he was playing no double game.*

He

He very properly painted the arbitrary deſigns of the preſent Miniſters; ſaid he feared the conſequences, which would appear ſix months hence; and was very ſevere upon the ſilence of the Adminiſtration, whoſe chief attention he ſaid was directed to ſhuffling the cards.

Lord Temple next ſtood up, and conjured the Miniſters to make ſome defence. He begged it as a favour, and he was not uſed to aſk favours, he ſaid;—for their own ſakes, he entreated them to make ſome defence;—to ſay ſomething for themſelves. He called them *the Dumb Adminiſtration.* He congratulated them upon their ſilence, which was convincing to the public, they were not able to make any defence againſt the Noble Lord who made the motion,—that they were utterly incapable of making any defence at all.

A pauſe now enſuing for ſome time, and none of the Miniſtry replying, the Duke of Richmond roſe up, and called upon the Miniſtry to defend themſelves.—"I call upon Adminiſtration to defend themſelves," ſaid he.—"I remember, when I was firſt in Adminiſtration, and a new tax was levied, I was called upon to defend it. My ſilence was imputed to my incapacity. I now call in turn, upon you, and deſire you will defend yourſelves. Some of you remember the day very well, if not, I will put you in mind of it, by mentioning the words—*Spade* and *Mattock*.—What, my Lords, quite ſilent!—Yes, I ſee plainly what you ſo manfully depend on;—but let me tell you, you have got, in the public, a *wolf by the ear*, that if he does not *bite* you, will *worry* you into juſtice."——He was juſtly ſevere upon the *ſecret influence*, which he ſaid had duped and deceived every Miniſter.

"A noble Lord, ſays he, who ſpoke juſt now (meaning Lord Pomfret) harped upon an expreſſion, dropt by a noble Lord (Lord Chatham) relative to *ſecret influence*, and ſeemed to call for an explanation of that phraſe. I will explain it to that noble Lord, that *ſecret influence*, are meaſures adopted by a ſet of men, who, on his Majeſty's acceſſion to the Throne of theſe realms, liſted under the banners of the Earl of Bute; who impudently call themſelves *the King's friends*, but who are in reality nobody's friends but their own, who have acted without principle, with every Adminiſtration, ſometimes ſupporting them, and ſometimes betraying them, according as it ſerved their

their views of interest.—Who have directed their attention more to intrigues, and their own emoluments, than the good of the public. This is that *secret influence*; and if that noble Lord, or his adherents, want to be further informed, I refer them to an excellent pamphlet just published, called *Thoughts on the Cause of the present Discontents.*" At the end of every speech the Court Lords were calling out, *the Question! the Question!* It was manifest to a degree of the utmost disgrace to the Administration, and of triumph to the opposition, that *numbers* and not *arguments* composed the Ministerial defence. It being near six o'clock, the House divided; when thirty-seven Independent English Lords were for the resolution, and eighty-five Court Lords, (consisting of the *Scotch Lords*, the *Bishops*, the *Placed-Lords*, &c.) were against it.

It is worthy of observation, that never did any Administration in this, or any other country, so heinously venture to make a mask of their Sovereign to cover their own infamous deeds; and, when charged with it, abandon him in so public and barefaced a manner.

Die Martis, 8°. *Maij.*

A Bill which had passed the Commons for restraining privilege, and taking all privilege away from a Lord or a Member's effects and servants, was this day debated.

The arguments made use of against passing the Bill, without amendments, were, "that the dignity of Parliament would be eclipsed by it, in respect to their servants:" and the Lords Marchmont and Sandwich observed, the inconvenience any noble Lord might be under if his coachman was arrested on his box, going to the House. Lord Marchmont particularly observed, "that this was not putting a case that may not happen, as he was almost treated once in the same manner, by a tradesman, who, through malice, and not knowing the privilege of a Peer, had arrested his servant." Lord Sandwich spoke a good deal of the dignity of the House, and the absolute necessity there was of preserving their domestics; and concluded by recommending to the Lords to preserve their privilege,

vilege, which was handed down to them for ſo long a period as 700 years.

They were anſwered by Lord Mansfield; who in a very eloquent and prevailing ſpeech, explained the utility of this act. He obſerved, "that he had as high a reſpect for the dignity of that Houſe as any other noble Lord whatever; and that it was on this principle he was for the bill; as by paſſing it, the honour and dignity of that Houſe would be better ſupported. It has been objected, againſt the bill, (ſays he) that a noble Lord's ſervant may be arreſted, driving him to this Houſe. It is very true, ſuch a caſe may happen; but then I will venture to pronounce it will very rarely happen; becauſe, let the malice or inſolence of people be what they may, perſons in buſineſs will always find it their intereſt Not to take ſuch a ſtep, as by it they may neceſſarily expect to loſe their cuſtom: but ſuppoſe the caſe does happen, the *inconvenience* is not ſo much as to balance the *convenience* and *juſtice* of ſuch a proceeding, as another chair or coach is not ſo difficult to be had; beſide, if your ſervant be honeſt and faithful, and that you have reaſon to think the debt was not incurred idly, or expenſively, every maſter will be ready to bail ſuch a ſervant. But the great utility of this act is to open a freer paſſage for the exertion of juſtice between man and man; as under the preſent regulations of peerage, the domeſtics of a Peer of Parliament can ſcarcely be proceeded againſt at all; both Houſes of Parliament very often opening in November, and not cloſing till the latter end of June, ſo that during the interval it frequently happens the Courts are all ſhut."

The bill paſſed, and received the Royal aſſent at the end of the Seſſion.

Die Mercurij, 9° Maij.

This day Lord Denbigh made a complaint to the Houſe of a breach of privilege having been committed by the Printer of the London Evening Poſt, who had printed the Proceedings of that Houſe. The Printer was defended by the Duke of Richmond, the Earls Temple, Albemarle, and Shelburne.

Same day Lord Sandwich made a complaint of a breach of privilege having been committed by the Printer of the London Packet,

Packet, who had printed the Lords Proteſt. The Printers prudently avoided their anger, and the affair dropped.

Die Lunæ, 14° Maij.

This day Lord Chatham made a motion for an Addreſs to the King, to deſire he would diſſolve the preſent Parliament. He ſtated the public diſcontents in England, Ireland, and America: affirmed that the people had no confidence in the preſent Houſe of Commons, who had betrayed their truſt; and ſhewed, from the ſituation of public affairs, the great neceſſity of having a Parliament in whom the people can place a proper confidence.—All arguments were in vain: and the debates having laſted till nine o'clock, the Court Lords called for *the Queſtion! the Queſtion!* and put a negative upon it.

Written orders were iſſued to the ſeveral door-keepers to admit, on no account whatſoever, any perſons but Peers ſons and Members of the Houſe of Commons.—Theſe orders were iſſued in conſequence of a motion made by Lord Denbigh for that purpoſe.

[About 12 o'clock Lord Weymouth waited upon his Majeſty, at the Queen's houſe, to give him an account of the debate.]

The great Angleſea cauſe was brought by appeal before the Lords. Several days were ſpent upon it: and at length the final determination was poſtponed to next ſeſſion.

Die Veneris, 18° Maij.

This day the Duke of Richmond made a motion for taking the affairs of America into conſideration. He obſerved, that though his Majeſty at the opening of the Seſſion had recommended the ſtate of government in America, to their ſerious attention, yet not one *word* had ſince been ſaid upon the ſubject in that Houſe.—Adminiſtration had not ſo much as appointed a day for ſo important a conſideration. Even when the frivolous and trifling revenue acts were repealed, they would not utter a ſyllable. He ſhould therefore offer to the

consideration of their Lordships a number of propositions, in the form of resolutions. He observed, that his first proposition, or resolution, was *declaratory* of a fact; It carried such a *truism*, he said, upon the very face of it, that though he knew the disposition of the administration, yet he could not think but that they must comply with it.

The *first* resolution was then read by Lord Mansfield, as Speaker, as follows:

First, *Resolved*, That in several of his Majesty's colonies in North America, disorders have of late prevailed, prejudicial to the trade and commerce of this kingdom; and destructive to the peace and prosperity of the said colonies.

Upon which Lord Hillsborough stood up, and asked the Duke of Richmond, "*Whether that was the whole of what he had to offer?*" To which his Grace answered, "*It was not.*" And then read the following seventeen other Resolutions.

2. *Resolved*, That the letter of the Earl of Hillsborough, of the 22d of April, 1768, to Francis Bernard, Esq; Governor of the Massachusetts Bay, was a common office letter, without any particular mark, or special direction for keeping the same, or any part of the same, secret.

3. *Resolved*, That it does not appear that any direction of secrecy had been given in any separate letter, or paper, transmitted with the same letter.

4. *Resolved*, That the said letter did contain an order for dissolving the Assembly of the Province of Massachusetts Bay, upon their refusal to comply with certain propositions.

5. *Resolved*, That Governor Bernard did lay the said propositions before the Assembly, and did threaten the said Assembly with a dissolution, and its consequences; and did, in vindication and support of such proceedings, lay before the Assembly the said letter of the Earl of Hillsborough.

6. *Resolved*, That the directing the dissolution of the Assemblies of North-America, upon their refusal to comply with certain propositions, operated as a menace injurious to the deliberative capacity of the Assemblies, excited discontent, and contributed to produce unjustifiable combinations.

7. *Resolved*, That the Assemblies of North America having been dissolved, for not disavowing or discountenancing certain com-

combinations, the ſuffering new Aſſemblies to ſit, without diſavowing or diſcountenancing the ſaid combinations, was a proceeding full of inconſiſtency, and tending to lower, in the minds of his Majeſty's ſubjects in America, all opinion of the wiſdom and firmneſs of his Majeſty's Councils.

8. *Reſolved*, That Lord Botetourt, his Majeſty's Governor of the Colony of Virginia, was inſtructed by a letter from the Earl of Hillſborough, in the following words: "His Majeſty relies on your prudence and fidelity for ſuch an explanation of his meaſures, as may tend to remove the prejudices which have been excited by the miſrepreſentations of thoſe who are enemies to the peace and proſperity of Great-Britain and her Colonies, and to re-eſtabliſh that mutual confidence and affection, upon which the glory and ſafety of the Britiſh Empire depends.

9. *Reſolved*, That theſe his Majeſty's meaſures appear, by the ſaid letter, to be meaſures concerning the diſtinction of certain principles of taxation, and the repeal of certain taxes impoſed by authority of Parliament.

10. *Reſolved*, That in conſequence of the ſaid inſtructions, Lord Botetourt was authoriſed (as far as the letter of a Secretary of State was authority) to ſtate theſe meaſures as his Majeſty's meaſures, and to explain the ſame according to his notions of prudence.

11. *Reſolved*, That Lord Botetourt did accordingly aſſure the Aſſembly, that his Majeſty would rather loſe his Crown, than preſerve it by deceit.

12. *Reſolved*, That this declaration is highly improper, inaſmuch as it is perſonally involving his Majeſty in the meaſures of his Miniſters.

13. *Reſolved*, That the ſaid aſſurance related to the repeal of certain taxes, and the diſtinction of certain duties.

14. *Reſolved*, That it is unwarrantable, of dangerous conſequence, and an high breach of the privilege of Parliament, to promiſe to the Aſſemblies in North-America, the interpoſition or influence of his Majeſty, or of his confidential ſervants with Parliament, in any manner which may tend to create an opinion in thoſe Aſſemblies, that ſuch interpoſition or influence muſt neceſſarily bring on a repeal of any duties, or taxes, laid, or to be laid, by authority of Parliament.

15. *Reſolved*, That it is highly derogatory from his Majeſty's honour, and from the freedom of parliamentary deliberation, to pledge the faith of the crown to the ſaid aſſemblies, for the repealing or laying on, or continuing, or not laying of any taxes or duties whatſoever.

16. *Reſolved*, That to give aſſurances in his Majeſty's name diſtinguiſhing certain principles of taxation, and diſclaiming an intention to propoſe any taxes within the ſaid deſcription, in order to eſtabliſh and juſtify unwarrantable diſtinctions, has a tendency further to diſturb the minds of his Majeſty's ſubjects in America, and to weaken the authority of lawful government.

17. *Reſolved*, That to lay before this Houſe ſuggeſtions of treaſon, or miſpriſion of treaſon, ſubſiſting in America, in order to bring this Houſe into a plan for the repreſſing and puniſhing ſuch ſuppoſed treaſon and miſpriſions of treaſon, when in reality no ſuch treaſons or miſpriſions of treaſon did ſubſiſt, or if they did ſubſiſt, no meaſures whatſoever have been taken or appear to have been intended for apprehending and puniſhing the perſons concerned in the ſame, is an audacious inſult on the dignity of Parliament, and in its conſequences tends, either to bring a reflexion on the wiſdom and juſtice of Parliament, or to encourage treaſon or treaſonable practices, by neglecting to carry into execution meaſures recommended by Parliament.

18. *Reſolved*, That theſe many ill-judged and inconſiſtent proceedings have been a principal cauſe of the aforeſaid diſorders.

His Grace obſerved, that the diſorders in America, were in a great meaſure occaſioned by the conduct of Lord Hillſborough, the Miniſter in the American department; and was particularly ſevere upon Lord Hillſborough's letter, of Sept. 8, 1768, which directed ſome of the American Governors to diſſolve their Aſſemblies. He called this letter *an ill-written, unconſtitutional, official* letter, wanting the weight and advice of Parliament, as well as the leniency of authority.

His Grace having finiſhed, Lord Hillſborough ſtood up, and replied, "that he was ſurprized to find any part of his conduct queſtioned in regard to the Colonies, as it ever was,

and

and ſhould be, his principle to attach himſelf to no particular party, or ſet of men, but ſteadily purſue thoſe objects which he thought were moſt conducive to the good of the conſtitution, and the honour of the Crown; that knowing the ground he ſtood on was but ſlippery, he was always the more circumſpect; but that, notwithſtanding all his care, the Americans, particularly the people of Boſton, acted in ſuch a manner, as juſtified every ſtep which had been taken againſt them by government. He obſerved, that they not only excepted againſt certain duties laid on them by the Parliament of Great-Britain, but entered into a poſitive reſolution to pay *no duties* of any kind. And, my Lords, ſays he, was it not then high time for government to interpoſe? Yes, my Lords, I, for my part, ſhould think myſelf not only wanting in my duty, if I did not, as Miniſter for that department, but ſubject to be impeached at the bar of this Right Honourable Houſe." He entered particularly into the late diſturbances at Boſton, ſaid, "that all the quarrel the people had there with the ſoldiery, was merely becauſe they were diſpoſed of there, as if the King had not a right to quarter his troops where he thought proper." And lamented, that ſoldiers, who bore an honourable profeſſion, ſhould, for that very reaſon, be more ſubject to inſult than any other people. In the courſe of his ſpeech, he confeſſed himſelf to be the *culprit* [his own word] yet without properly making any kind of defence, and without going properly into the merits of the queſtion, only ſaying, that the affairs of America ought to be left to the conſideration of the Miniſtry, who might form ſome plan during the receſs of Parliament (though for theſe two years paſt, every meaſure reſpecting America has been originated in Parliament —*How contradictory of themſelves!*) he moved to adjourn.

Upon which the friends of the Miniſtry cried out, 'adjourn! adjourn!' but the Marquis of Rockingham prevented it by riſing. He did not ſpeak very long, but made ſome pertinent obſervations on the queſtion; one in particular, "That he would always wiſh to ſee (and he believed ſuch a wiſh was moſt correſpondent to the intereſts of the mother country) the riches of America returned by the fruits of induſtry and commerce, rather than by ſevere duties and improper impoſts."

He

He was ſeconded by the Earl Temple, who ſpoke to the following purport:

" *My Lords,*

" I am really ſurpriſed, that even at the very cloſe of the ſeſſions, the adminiſtration cannot truſt to the goodneſs of their cauſe, but that they will *ſtill* call for *an adjournment*; and under cover of their ſtrength in this line, laugh at all juſtice and argument. The noble Duke who made this motion, has been very accurate in his explication of it, and leaves me very little to ſay; I, however, ſhall beg leave to make a few remarks upon this ſubject in general.

" In his Majeſty's Speech to both Houſes of Parliament, at the opening of this Seſſions, are theſe words, " *It is needleſs for me to recommend to the ſerious attention of my Parliament, the ſtate of my government in America. I have endeavoured, on my part, by every means, to bring back my ſubjects there to their duty, and to a due ſenſe of lawful authority.*" I would aſk now, my Lords, how this has been complied with? Here is a ſtrong recommendation of American affairs, from the Throne; and they have ſcarcely, during the whole ſeſſion, been laid before us; and now, when the Parliament of themſelves are deſirous of complying with his Majeſty's requeſt, to take them under conſideration, the King's Miniſters, and their friends, are crying out for an *adjournment*.

" This, my Lords, is, I confeſs, performing promiſes in a very ſingular manner, and doing the buſineſs of government in a ſtile more ſingular; it puts me in mind of that ſtale French Gaſconade,

" The King of France, with forty thouſand men
" March'd up the hill, and ſo march'd down again.

For here we are, the laſt day but one of the Seſſions, in reſpect to America, juſt where we ſat out; every thing left unſettled, and opening to our view the moſt alarming proſpects; the wiſdom and advice of Parliament, (ſo ardently ſought after by former Miniſters) totally neglected and deſpiſed; and every thing conſigned to the Miniſter of that department, who breathes nothing but ſanguinary meaſures.

" I have been once in office, my Lords, whether I ſhall ever be ſo again I don't know, nor does it belong to me ſolely to determine; but I do ſolemnly declare, I would not

for

for any conſideration under heaven be ſo now, in the predicament of the preſent Adminiſtration, who have rendered themſelves ſo unpopular by their proceedings, that I believe I may ſafely pronounce, they are now moſt heartily and ſincerely deteſted by the public."

Lord Temple was nobly ſupported by the Lords Lyttelton and Shelburne; the latter of whom ſpoke for near half an hour, with great ſpirit, He obſerved, " That ſuch reſolutions againſt the *Culprit*, being moved to be put off by himſelf, was ſuch a manifeſt violation of juſtice, and ſuch a proſtitution of Parliament, that he hoped IMPEACHMENT would ſoon follow. He reproached Adminiſtration for having put into the King's mouth, at the beginning of the Seſſion, a recommendation of the affairs of America, as one of the principal objects for the conſideration of Parliament; and then ſuffering every day to elapſe, without ſo much as noticing that great object; and now that it was come to the *laſt day*, and the matter moved by the noble Duke, they with a moſt ſhameful and ſcandalous effrontery, avoided all enquiry, by moving and putting the queſtion *to adjourn*."—He concluded with ſaying, " He hoped it would not be taken as a compliment intended for himſelf, if he aſſerted, that during his preſiding in the American department, every thing was conducted with becoming ſpirit, on the ſide of the Crown, and leniency on that of the Coloniſts, and yet no complaints aroſe, it ever being his principle to hold them as countrymen, fellow-ſubjects, and Engliſhmen."

The Miniſtry refuſed to take any notice of the propoſed reſolutions; they only called out for the queſtion to adjourn, which being put, was carried, by 60 againſt 26.

Lord Chatham was not able to attend, owing to a return of the gout.

Die Sabbati, 19° Maij.

THIS day his Majeſty went to the Houſe of Peers, and having given the royal aſſent to ſuch bills as were ready, he put an end to the ſeſſion with the following ſpeech.

" *My Lords and Gentlemen,*

" The ſeaſon of the year, and the diſpatch you have given

to

to the public buſineſs, make it proper for me to put an end to this ſeſſion of Parliament.

" The temper with which you have conducted all your proceedings, has given me great ſatisfaction, and I promiſe myſelf the happieſt effects from the firmneſs as well as the moderation, which you have manifeſted in the very critical circumſtances which have attended your late deliberations.

" With reſpect to foreign affairs, I have nothing material to communicate to you. I will continue my endeavours to appeaſe, if poſſible, the troubles which ſtill prevail in ſome parts of Europe, or at leaſt to prevent them from ſpreading farther. In all events it ſhall be my firſt and conſtant care to watch over the intereſts, and to preſerve undiminiſhed the rights of my people.

" *Gentlemen of the Houſe of Commons,*

" I return you my thanks for the ſupplies you have ſo chearfully granted for the ſervice of the current year, as well as for your attention to make uſe of every opportunity of reducing the national debt. The proviſion you have been able to make in this ſeſſion for diſcharging ſo conſiderable a ſum, without laying any further burthen on my ſubjects, cannot but be highly advantageous to public credit.

" *My Lords and Gentlemen,*

" I muſt earneſtly recommend to you to exert, in your reſpective counties, the ſame zeal and prudence that you have ſhewn in Parliament for promoting the peace and welfare of the kingdom: Nothing can be ſo favourable to the wiſhes of thoſe, who look with jealouſy on the ſtrength and proſperity of this country, as the prevalence of animoſities and diſſentions amongſt ourſelves: Let it therefore be your care to diſcountenance every attempt to infuſe groundleſs ſuſpicions and diſcontent into the minds of your fellow-ſubjects. Make them ſenſible of my conſtant attention to promote their happineſs; and convince them, that nothing can ſo effectually ſecure their liberties, as the maintenance of every part of our excellent Conſtitution in its due force and authority."


BRITISH MUSEUM 6 FEB 56

THE PRINCIPAL EVENTS AND OCCURRENCES OF THE MONTH OF MAY, 1770.

Wedneſday, May 23.

THIS day, at two o'clock in the afternoon, the Lord Mayor, &c. waited on his Majeſty at St. James's, with the humble Addreſs, Remonſtrance, and Petition of the Lord Mayor, Aldermen, and Common Council of the city of London, which was read by the Town Clerk; of which the following is a genuine copy.

To the KING's Moſt Excellent MAJESTY.

The humble Addreſs, Remonſtrance, and Petition of the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council aſſembled,

" May it pleaſe your Majeſty,

" WHEN your Majeſty's moſt faithful ſubjects, the Citizens of London, whoſe loyalty and affection have been ſo often and ſo effectually proved and experienced by the illuſtrious Houſe of Brunſwick, are labouring under the weight of that diſpleaſure which your Majeſty has been adviſed to lay upon them, in the anſwer given from the throne to their late humble application, we feel ourſelves conſtrained, with all humility, to approach the Royal Father of his people.

" Conſcious, Sire, of the pureſt ſentiments of veneration which they entertain for your Majeſty's perſon, we are deeply concerned, that what the law allows, and the conſtitution teaches, hath been miſconſtrued into diſreſpect to your Majeſty by the inſtruments of that influence which ſhakes the realm.

" Perplexed and aſtoniſhed as we are, by the awful ſentence of cenſure lately paſſed upon the Citizens of London in your Majeſty's anſwer from the throne; we cannot, without ſurrendering all that is dear to Engliſhmen, forbear moſt humbly to ſupplicate, that your Majeſty will deign to grant a more favourable interpretation to this dutiful, though perſevering claim of our invaded birth-rights; nothing doubting that the benignity of your Majeſty's nature will, to our unſpeakable comfort, at length break through all the ſecret and viſible machinations to which the City of London owes its late ſevere repulſe; and that your kingly juſtice and fatherly tenderneſs will diſclaim the malignant and pernicious advice which ſuggeſted the anſwer we deplore: An advice of moſt dangerous tendency; inaſmuch as thereby the exerciſe of the cleareſt rights of the ſubject, namely, to petition the King for redreſs of grievances, to complain of the violation of the freedom of election, and to pray for a diſſo-

lution of parliament, to point out male-practices in adminiſtration, and to urge the removal of evil Miniſters, hath, under the generality of one compendious word, been indiſcriminately checked with reprimand; and your Majeſty's afflicted Citizens of London have heard, from the throne itſelf, that the contents of their humble Addreſs, Remonſtrance, and Petition, laying their complaints and injuries at the feet of their Sovereign, cannot but be conſidered by your Majeſty, as diſreſpectful to yourſelf, injurious to your parliament, and irreconcileable to the principles of the conſtitution.

"Your Majeſty cannot diſapprove, that we here aſſert the cleareſt principles of the conſtitution, againſt the inſidious attempt of evil Counſellors to perplex, confound, and ſhake them: We are determined to abide by thoſe rights and liberties, which our fore-fathers bravely vindicated, at the ever memorable Revolution, and which their ſons will ever reſolutely defend. We therefore now renew, at the foot of the throne, our claim to the indiſpenſable right of the ſubject——a full, free, and unmutilated parliament, legally choſen in all its members; a right which this Houſe of Commons have manifeſtly violated, depriving, at their will and pleaſure, the county of Middleſex of one of its legal repreſentatives, and arbitrarily nominating, as a Knight of the Shire, a perſon not elected by a majority of the Freeholders. As the only conſtitutional means of reparation now left for the injured electors of Great Britain, we implore, with moſt urgent ſupplications, the diſſolution of this preſent parliament, the removal of evil miniſters, and the total extinction of that fatal influence, which has cauſed ſuch a national diſcontent.

"In the mean time, Sire, we offer our conſtant prayers to Heaven, that your Majeſty may reign, as Kings can only reign, in and by the hearts of a loyal, dutiful, and free people."

To which his Majeſty, ſeated on the throne, READ the following anſwer:

"I ſhould have been wanting to the public, as well as to myſelf, if I had not expreſſed my diſſatisfaction at the late Addreſs.

"My ſentiments on that ſubject continue the ſame; and I ſhould ill deſerve to be conſidered as the Father of my people, if I could ſuffer myſelf to be prevailed upon to make ſuch an uſe of my prerogative, as I cannot but think inconſiſtent with the intereſt, and dangerous to the conſtitution of the kingdom."

The Right Hon. the Lord Mayor then addreſſed his Majeſty in theſe words:

"Moſt Gracious Sovereign,

"Will your Majeſty be pleaſed ſo far to condeſcend as to permit the Mayor of your loyal City of London to declare in your Royal Preſence, in behalf of his fellow-citizens, how much the baſe apprehenſion of your Majeſty's diſpleaſure would, at all times, affect their minds; the declaration of that diſpleaſure has already filled them with inexpreſſible anxiety, and with the deepeſt affliction.

affliction. Permit me, Sire, to assure your Majesty, that your Majesty has not in all your dominions any subjects more faithful, more dutiful, or more affectionate to your Majesty's person and family, or more ready to sacrifice their lives and fortunes in the maintenance of the true honour and dignity of your crown.

"We do therefore, with the greatest humility and submission, most earnestly supplicate your Majesty that you will not dismiss us from your presence without expressing a more favourable opinion of your faithful citizens, and without some comfort, without some prospect, at least, of redress.

"Permit me, Sire, farther to observe, that whoever has already dared, or shall hereafter endeavour, by false insinuations and suggestions, to alienate your Majesty's affections from your loyal subjects in general, and from the City of London in particular, and to withdraw your confidence in and regard for your people, is an enemy to your Majesty's person and family, a violator of the public peace, and a betrayer of our happy constitution as it was established at the glorious and necessary Revolution."

The Lord Mayor waited near a minute for a reply, but none was given. The humility and the serious firmness with which the Lord Mayor uttered these words, filled the whole Court with admiration and confusion; for they found very different countenances amongst the Citizens than they expected from Lord Pomfret's description, who declared in the House of Lords, that "however swaggering and impudent the behaviour of the low Citizens might be on their own dunghill, when they came into the Royal Presence, their heads hung down like bullrushes, and they blinked with their eyes like owls in the sunshine of the sun."

Friday, May 25. This day, there was a Court of Common-council at Guildhall, *on occasion of her Majesty's happy delivery of a Princess.* His Lordship took the chair soon after twelve o'clock. When the Court was sat, Mr. Alderman Rossiter complained of what the Lord Mayor had said at St. James's last Wednesday to the King, after his Majesty's answer to the Remoustrance, as not being given to his Lordship in charge by that Court. Mr. Alderman Harley supported Mr. Alderman Rossiter's objection, and was replied to by the Aldermen Wilkes, Townsend, and Sawbridge. The Court then desired the Lord Mayor to state what his Lordship said after the King's answer, which he did, and it was entirely approved. A motion of thanks was then made, and seconded for his Lordship's noble conduct on this occasion, which was agreed to without any division. The Lord Mayor spoke extremely well, and particularly observed, how unbecoming such a complaint was from the Aldermen Rossiter and Harley, who would not attend that Court to St. James's. Mr. Alderman Wilkes, in his speech, took notice, "that the principal reason why he did not attend the last Remonstrance to St. James's, was a tenderness for the preservation of the lives of his fellow citizens; that he knew the Ministry wished for every opportunity to murder the people; that when the Westminster Remonstrance was presented, the Colonel of the guard had orders to fire on the people, if there had been the

the leaſt diſturbance; and that he was ſure, had he attended on Wedneſday at St. James's, and only a few boys had holloed, a pretence would have been taken from thence to fire on his fellow citizens, and another maſſacre would have enſued, the idea of which filled his mind with horror; and for that reaſon chiefly he did not attend, &c."—The King's anſwer was then ordered to be entered in the city books, and immediately after it the Lord Mayor's reply. Mr. Bellas next moved for an addreſs on the birth of a young Princeſs, and was ſeconded by Mr. Freeman. Mr. Alderman Wilkes then ſaid, "he did not riſe to oppoſe the motion made by his worthy friend; that there was not in that honourable Court, nor in the Nation, a man more zealouſly attached to the Houſe of Brunſwick and the Prince on the Throne than himſelf; but that this did not ſeem to be a time for many compliments from the City of London to the Throne; that the Citizens of London had been treated of late with great indignity; that their *Petition* had been received with contempt, and their *Remonſtrance* with inſult, for which he appealed to the Sheriffs; that it ſeemed to be the ſtudy of adminiſtration to affront the City, and provoke the people, of which he gave inſtances in the ſeveral favours conferred of late on the very near relations of Lord Holland and Lord Barrington, the firſt of whom the City had complained of as *the public defaulter of unaccounted millions*, and the other was in univerſal odium for his letter of thanks after the maſſacre in St. George's-Fields; that the Governor of Maſſachuſett's Bay had been created a baronet, and obtained a penſion, merely becauſe he was a tyrant, and univerſally deteſted by our brethren in America; that on theſe accounts the Addreſs ought to be very chaſte, modeſt, reſerved, and ſolely confined to what he hoped would ever be a ſubject of real joy to Engliſhmen, an increaſe of the Brunſwick line, &c. &c."—Mr. Sheriff Sawbridge ſpoke very well againſt the fulſomeneſs and flattery of moſt addreſſes, and hoped this would be an example of a better ſort than we had heretofore known. Mr. Sheriff Townſend expatiated with great ſpirit on the ſame ſubject. The motion was then carried for an Addreſs *nemine contradicente*. A committee was then appointed of the following Aldermen and Commoners: Aldermen Stevenſon, Croſby, Peers, Wilkes, Townſend, and Sawbridge; Commoners, Bellas, Freeman, Beardmore, Judd, William Wilſon, Harford, Edward George, Anderſon, Camn, Burford, Maynard, and Biſhop.

The committee then withdrew, and returned with an Addreſs, which, with a few alterations, was agreed to by the Court, and the Sheriffs were ordered to know his Majeſty's pleaſure when he will pleaſe to be attended by the whole Court. Mr. Alderman Bird deſired that ſome more compliments might be added *to the Queen*, on which Mr. Alderman Wilkes ſaid, *that for his part he had no objection to as many compliments as they pleaſed* TO THE QUEEN. There was no diviſion in the Court, which ſat till near Four o'clock.

The Aldermen preſent were, Sir Robert Ladbroke, Alſop, Harley, Hallifax, Shakeſpeare, Eaſdale, Kennet, Plumb, Roſſiter, Bird, Stevenſon, Croſby, Peers, Wilkes, Townſend, and Sawbridge.

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